

ARTICLE 8
ETHICS

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SUBTITLE 1
FINDINGS; POLICY; SHORT TITLE

§ 1-1. Findings.

(a) *Trust in government essential.*

The Mayor and City Council of Baltimore recognizes that our system of representative government largely depends on the people's trust in their public servants.

(b) *Need for impartiality.*

The citizens of Baltimore City rely on their public servants to preserve their safety, health, and welfare through fair and impartial enforcement of laws, imposition of taxes, and expenditure of public funds.

(c) *Citizens' right of reliance.*

Each citizen of Baltimore City has a right to be assured of the fair, impartial, and independent judgment of all public servants.

(Ord. 04-795.)

Defined terms:

Public servant §2-23

§ 1-2. Goals; purpose.

To guard against improper influence or even the appearance of improper influence, and to ensure public trust in the government, the Mayor and City Council of Baltimore enacts this article to:

- (1) set minimum ethical standards of conduct for City officials and employees;
- (2) require certain officials and employees to disclose their financial interests;
- (3) require persons engaged in lobbying activities to register and disclose those activities; and
- (3) generally protect the public welfare.

(Ord. 04-795.)

Defined terms:

<i>Employee</i>	§2-9	<i>Official</i>	§2-21
<i>Financial interest</i>	§2-16	<i>Person</i>	§2-22
<i>Interest</i>	§2-19		

§ 1-3. Short title.

This article may be cited as the "Baltimore City Public Ethics Law".

(Ord. 04-795.)

SUBTITLE 2
DEFINITIONS; GENERAL PROVISIONS

PART I. DEFINITIONS

§ 2-1. In general.

In this article, the following terms have the meanings indicated unless the context clearly requires a different meaning or a different definition is adopted for a particular statutory unit.
(Ord. 04-795.)

§ 2-2. “Agency”.

(a) *In general.*

“Agency” means any department, board, commission, council, authority, committee, office, or other unit of City government.

(b) *Inclusions.*

“Agency” also includes:

- (1) Baltimore City Parking Authority;
- (2) Baltimore Police Department;
- (3) Board of Liquor License Commissioners for Baltimore City;
- (4) Enoch Pratt Free Library of Baltimore City;
- (5) Housing Authority of Baltimore City; and
- (6) any individual not embraced in a unit of City government who exercises authority comparable to that of the head of a unit of City government.

(Ord. 04-795.)

Defined terms:

Board	§2-3	Includes...	§2-18
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§ 2-3. “Board”.

(a) *In general.*

“Board” means any board, commission, council, authority, committee, or other unit of City government that comprises 2 or more members, all of whom are appointed and serve on a part-time basis.

(b) *Inclusions.*

“Board” also includes:

- (1) Board of Commissioners of the Housing Authority of Baltimore City;
- (2) Board of Directors of the Baltimore City Parking Authority;
- (3) Board of Liquor License Commissioners for Baltimore City; and
- (4) Civilian Review Board of Baltimore City.

(Ord. 04-795.)

Defined terms:

Includes... §2-18

§ 2-4. “Business entity”.

“Business entity” means any person engaged in business or other organized activity, whether for-profit or not-for-profit and regardless of form.

(Ord. 04-795.)

Defined terms:

Person §2-22

§ 2-5. “Business with City”.(a) *In general.*

“Business with the City” means any 1 or combination of sales, purchases, leases, or contracts to, from, or with the City or any agency that:

- (1) is made or entered into during the reporting period for which a disclosure statement is required by Subtitle 7 {“Financial Disclosure”} of this article; and
- (2) involves consideration of \$5,000 or more on a cumulative basis.

(b) *Determining consideration.*

For purposes of this section, the total consideration committed to be paid as of the award or execution of a contract or lease, to the extent then ascertainable, is included, regardless of the period over which payments are to be made.

(Ord. 04-795.)

Defined terms:

Agency §2-2 *Includes...* §2-18

§ 2-6. “Child”.

“Child” means a biological child, adopted child, stepchild, ward, or foster child, regardless of age.
(Ord. 04-795.)

§ 2-7. “Compensation”.

“Compensation” means any money or thing of value, regardless of form, received or to be received by a person for services rendered.
(Ord. 04-795.)

Defined terms:

<i>Person</i>	§2-22
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§ 2-8. “Elected official”.

“Elected official” means:

- (1) the Mayor;
- (2) the City Comptroller;
- (3) the President of the City Council; and
- (4) any member of the City Council.

(Ord. 04-795.)

§ 2-9. “Employee”.

(a) *In general.*

“Employee” means any employee of the City who is not an official.

(b) *Inclusions.*

“Employee” also includes an employee of any agency or board included within the scope of § 2-2 {“Agency”} or § 2-3 {“Board”} of this subtitle.
(Ord. 04-795.)

Defined terms:

<i>Agency</i>	§2-2	<i>Includes...</i>	§2-18
<i>Board</i>	§2-3	<i>Official</i>	§2-21

§ 2-10. “Ethics Board”.

“Ethics Board” means the Baltimore City Board of Ethics, established under Article VII, § 106 of the City Charter and Subtitle 3 {“Administration”} of this article.
(Ord. 04-795.)

§ 2-11. “Executive Director”.

“Executive Director” means the Executive Director of the Ethics Board or the Executive Director’s designee.
(Ord. 04-795.)

Defined terms:*Ethics Board*

§2-10

§§ 2-12 to 2-15. {Reserved}**§ 2-16. “Financial interest”.**

“Financial interest” means ownership of:

- (1) more than 3% of a business entity;
- (2) securities of any kind that represent or are convertible into ownership of more than 3% of a business entity; or
- (3) any interest as the result of which the owner:
 - (i) received more than \$1,000 in any 1 of the preceding 3 calendar years; or
 - (ii) is entitled to receive more than \$1,000 in the current or any subsequent calendar year.

(Ord. 04-795.)

Defined terms:*Business entity*

§2-4

Interest

§2-19

§ 2-17. “Gift”.**(a) *In general.***

“Gift” means, except as specified in subsection (b) of this section, the transfer of anything of economic value, regardless of the form, without adequate and lawful consideration.

(b) *Exclusions.*

“Gift” does not include the solicitation, acceptance, receipt, or disposition of a political contribution that is regulated under State Code Article 33, Title 13 {“Campaign Finance”} or under any other state law that regulates the conduct of elections or the receipt of political contributions.

(Ord. 04-795.)

§ 2-18. “Includes”; “including”.

“Includes” or “including” means by way of illustration and not by way of limitation.
(Ord. 04-795.)

§ 2-19. “Interest”.*(a) In general.*

“Interest” means, except as specified in subsection (b) of this section, any legal or equitable economic interest, whether or not subject to an encumbrance or a condition, that is owned or held wholly or partly, jointly or severally, or directly or indirectly.

(b) Exclusions.

“Interest” does not include:

- (1) an interest held in the capacity of a personal representative, agent, custodian, fiduciary, or trustee, unless the holder has an equitable interest in the subject matter;
- (2) an interest in a time or demand deposit in a financial institution;
- (3) an interest in an insurance policy, endowment policy, or annuity contract under which an insurer promises to pay a fixed amount of money, either in a lump sum or periodically for life or some other specified period; or
- (4) a common trust fund or a trust that forms part of a pension or a profit-sharing plan that:
 - (i) has more than 25 participants; and
 - (ii) is determined by the Internal Revenue Service to be a qualified trust under § 401 or § 501 of the Internal Revenue Code.

(Ord. 04-795.)

§ 2-20. “Lobbyist”.

“Lobbyist” means any person required to register with the Ethics Board under Subtitle 8 {“Lobbying”} of this article.

(Ord. 04-795.)

Defined terms:

Ethics Board

§2-10

Person

§2-22

§ 2-21. “Official”.*(a) In general.*

“Official” means:

- (1) an elected official;
- (2) the head of any department;
- (3) the head of any bureau or division within a department; and

(4) any other individual in a unit of City government who, whether acting alone or as a member of a board acting jointly with other board members:

- (i) has authority comparable to that of the head of a department or the head of a bureau or division;
- (ii) has decision-making authority in making City policy;
- (iii) has decision-making authority in the exercise of quasi-judicial, regulatory, licensing, inspecting, or auditing functions; or
- (iv) acts as a principal advisor to one who has authority of the type listed.

(b) *Inclusions.*

“Official” also includes the Chief Executive Officer, Chief Operating Officer, Chief Financial Officer, and Executive Director or Executive Secretary of any agency or board included within the scope of § 2-2 {“Agency”} or § 2-3 {“Board”} of this subtitle.

(Ord. 04-795.)

Defined terms:

<i>Agency</i>	§2-2	<i>Elected official</i>	§2-8
<i>Board</i>	§2-3	<i>Includes...</i>	§2-18

§ 2-22. “Person”.

“Person” means:

- (1) an individual;
- (2) a receiver, trustee, guardian, personal representative, fiduciary, or representative of any kind;
- (3) a partnership, firm, association, corporation, or other entity of any kind; and
- (4) except as used in Subtitle 9 {“Enforcement”} of this article for the imposition of criminal penalties, a governmental entity or an instrumentality or unit of a governmental entity.

(Ord. 04-795.)

§ 2-23. “Public servant”.

“Public servant” means any official or employee.

(Ord. 04-795.)

Defined terms:

<i>Employee</i>	§2-9	<i>Official</i>	§2-21
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§§ 2-24 to 2-30. {Reserved}

PART II. RULES OF CONSTRUCTION

§ 2-31. In general.

In interpreting and applying this article, the following rules of construction apply.
(*Ord. 04-795.*)

§ 2-32. Captions or headings.

The captions or headings of the various sections and subsections:

(1) are for convenience of reference only, intended to summarize the statutory provisions that follow; and

(2) are not law and are not to be taken as affecting the meaning or effect of the law.
(*Ord. 04-795.*)

§ 2-33. Conflicting provisions.

(a) *Article sets minimum requirements.*

In their interpretation and application, the provisions of this article must be taken to be the minimum requirements for the promotion of the public health, safety, and general welfare.

(b) *Other laws.*

If another applicable law relating to conflicts of interest, financial disclosure, or lobbying is more stringent than this article, that provision also applies.

(c) *Agency rules and regulations.*

If an agency adopts a rule or regulation relating to conflicts of interest that is more stringent than this article, that provision also applies.
(*Ord. 04-795.*)

Defined terms:

Agency

§2-2 *Must*

cf. §2-36

§ 2-34. Gender.

Words denoting one gender include and apply to the other genders as well.
(*Ord. 04-795.*)

§ 2-35. Liberal construction.

The Mayor and City Council intends that the provisions of this article, except those imposing criminal sanctions, be liberally construed to accomplish their purposes.
(*Ord. 04-795.*)

§ 2-36. Mandatory, prohibitory, and permissive terms.*(a) Mandatory terms.*

“Must” and “shall” are each mandatory terms used to express a requirement or to impose a duty.

(b) Prohibitory terms.

“Must not”, “may not”, and “no ... may” are each mandatory negative terms used to establish a prohibition.

(c) Permissive terms.

“May” is permissive.

(Ord. 04-795.)

§ 2-37. Number.

The singular includes the plural and vice versa.

(Ord. 04-795.)

§ 2-38. References to other laws.

Whenever a provision of this article refers to any part of the City Code or to any other law, the reference applies to any subsequent amendment of the law referred to, unless the referring provision expressly provides otherwise.

(Ord. 04-795.)

§ 2-39. Severability.*(a) In general.*

Except as provided in subsection (b) of this section:

- (1) all provisions of this article are severable; and
- (2) if a court determines that a word, phrase, clause, sentence, paragraph, subsection, section, or other provision is invalid or that the application of any part of the provision to any person or circumstances is invalid, the remaining provisions and the application of those provisions to other persons or circumstances are not affected by that decision.

(b) Exceptions.

Subsection (a) of this section does not apply:

- (1) to the extent that a statute specifically provides otherwise; or

- (2) if the court finds that the remaining provisions alone are incomplete and incapable of being executed in accordance with the legislative intent.

(Ord. 04-795.)

Defined terms:

Person

§2-22

§ 2-40. Time computations.

(a) *Computation of time after an act, event, or default.*

- (1) In computing any period of time prescribed by this article, the day of the act, event, or default after which the designated period of time begins to run is not included.
- (2) If the period of time allowed is more than 7 days, intermediate Saturdays, Sundays, and legal holidays are counted.
- (3) If the period of time allowed is 7 days or less, intermediate Saturdays, Sundays, and legal holidays are not counted.
- (4) The last day of the period so computed is included unless it is a Saturday, Sunday, or legal holiday, in which event the period runs until the end of the next day that is not a Saturday, Sunday, or legal holiday.

(b) *Computation of time before a day, act, or event.*

- (1) In determining the latest day for performing an act that is required by this article to be performed a prescribed number of days before a certain day, act, or event, all days preceding that day, including intervening Saturdays, Sundays, and legal holidays, are counted in the number of days so prescribed.
- (2) The latest day is included in the determination unless it is a Saturday, Sunday, or legal holiday, in which event the latest day is the first preceding day that is not a Saturday, Sunday, or legal holiday.

(Ord. 04-795.)

**SUBTITLE 3
ADMINISTRATION**

PART I. ETHICS BOARD

§ 3-1. Establishment.

There is a Baltimore City Board of Ethics, as established under Article VII, § 106 of the City Charter and this subtitle.

(Ord. 04-795.)

§ 3-2. Appointment and qualifications.

(a) Composition.

The Ethics Board comprises the following 5 members:

- (1) 3 members appointed by the Mayor in accordance with Article IV, § 6 of the City Charter;
- (2) the Mayor or a public servant designated by the Mayor; and
- (3) the City Solicitor or a member of the City Solicitor's staff designated by the City Solicitor.

(b) Qualifications.

(1) Each member of the Ethics Board must:

- (i) be an individual of known personal integrity; and
- (ii) possess a recognized knowledge and interest in government and civics.

(2) Except for the Mayor, the City Solicitor, or the designee of either, no public servant may be appointed as a member of the Ethics Board.

(3) Except for the Mayor, no member of the Ethics Board may be a lobbyist.

(4) No member of the Ethics Board may continue to serve if the member becomes a candidate for elected public office of the United States, the State, the City, or any other political subdivision of the State.

(Ord. 04-795.)

Defined terms:

<i>Employee</i>	§2-9	<i>Must</i>	<i>cf. §2-36</i>
<i>Ethics Board</i>	§2-10	<i>No ... may</i>	<i>cf. §2-36</i>
<i>Lobbyist</i>	§2-20	<i>Official</i>	§2-21

§ 3-3. Tenure; removal.(a) *Tenure.*

- (1) The term of an appointed member expires at the end of the Mayor's term of office.
- (2) The term of the Mayor and the Solicitor, or their respective designees, expires when the Mayor or the Solicitor leaves office.
- (3) At the end of a term, a member continues to serve until a successor is appointed and qualifies.

(b) *Removal.*

The Mayor may remove an appointed member as provided in Article IV, § 6 of the City Charter. (Ord. 04-795.)

Defined terms:*May**cf.* §2-36**§ 3-4. Officers.**(a) *Chair.*

The Mayor designates the Chair of the Ethics Board from among its appointed members.

(b) *Others.*

The Ethics Board may elect a Vice-Chair and other officers from among its members. (Ord. 04-795.)

Defined terms:*Ethics Board*§2-10 *May**cf.* §2-36**§ 3-5. Meetings; compensation.**(a) *Quorum.*

3 Members of the Ethics Board are a quorum.

(b) *Voting.*

- (1) An affirmative vote of at least 3 members is needed for any action by the Ethics Board.
- (2) The Board's records must show how each member voted on each question.

(c) *Open meetings.*

All meetings of the Ethics Board must be conducted in accordance with the State Open Meetings Act, Title 10, Subtitle 5, of the State Government Article of the Maryland Code.

(d) *Compensation.*

Members of the Ethics Board:

(1) serve without compensation; but

(2) are entitled to reimbursement of reasonable expenses incurred, as provided in the Ordinance of Estimates.

(Ord. 04-795.)

Defined terms:

Compensation
Ethics Board

§2-7
§2-10 *Must*

cf. §2-36

§ 3-6. Rules and regulations; orders.(a) *Rules and regulations.*

(1) The Ethics Board may adopt rules and regulations to carry out the provisions of this article.

(2) A copy of all rules and regulations must be filed with the Department of Legislative Reference before they take effect.

(b) *Orders.*

The Ethics Board may issue orders necessary or appropriate to carry out the provisions of this article.

(Ord. 04-795.)

Defined terms:

Ethics Board
May

§2-10
cf. §2-36 *Must*

cf. §2-36

§§ 3-7 to 3-10. {Reserved}

PART II. STAFF AND OTHER ASSISTANCE**§ 3-11. Executive Director and staff.****(a) *Director.***

The Director of Legislative Reference serves as the Executive Director of the Ethics Board and is responsible for assisting the Board in performing its responsibilities.

(b) *Staff.*

In consultation with the Board, the Executive Director may assign staff from the Department of Legislative Reference to assist the Board and Executive Director.

(*Ord. 04-795.*)

Defined terms:

<i>Ethics Board</i>	§2-10	<i>May</i>	<i>cf. §2-36</i>
<i>Executive Director</i>	§2-11		

§ 3-12. Other assistance.

At the request of the Ethics Board, the Baltimore Police Department, City Solicitor, City Comptroller, and all other City officials and agencies must provide reasonable investigative or other professional assistance to the Board.

(*Ord. 04-795.*)

Defined terms:

<i>Agency</i>	§2-2	<i>Must</i>	<i>cf. §2-36</i>
<i>Ethics Board</i>	§2-10	<i>Official</i>	§2-21

§§ 3-13 to 3-15. {Reserved}

§ 3-16. Forms.

cf. §2-36

cf. §2-36

Defined terms:

<i>Ethics Board</i>	§2-10	<i>Must</i>	<i>cf. §2-36</i>
<i>May</i>	<i>cf. §2-36</i>		

§ 3-19. Public awareness.

The Ethics Board must publish and make publicly available information that explains the provisions of this article, the duties imposed by it, and the means for enforcing it.
(*Ord. 04-795.*)

Defined terms:

<i>Ethics Board</i>	§2-10	<i>Must</i>	<i>cf. §2-36</i>
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§ 3-20. Training courses.*(a) Board to offer.*

The Ethics Board must develop and offer a training course of not less than 2 hours on the requirements of this article.

(b) Officials required to take.

(1) Except as provided in paragraph (2) of this subsection, every official must complete the training course within 6 months of his or her appointment or reappointment to office.

(2) The training requirements of this subsection do not apply to:

- (i) an official who, within the 5 years preceding his or her appointment or reappointment, completed a training course provided under this section; or
- (ii) an individual who is an official only as a board member.

(c) Availability to others.

(1) After consultation with the Board, an agency head may authorize or require one or more classes of agency employees to attend the training course.

(2) On request of the agency head, the Board must offer the training course to those employees as soon as practicable.

(3) The Board must annually notify agency heads of the availability of the training course under this subsection.

(d) Assistance.

The Department of Human Resources must provide the Ethics Board with:

- (1) appropriate facilities for conducting the training course;

(2) notice of all officials subject to the training requirements; and

(3) administrative and other assistance.

(Ord. 04-795; Ord. 04-822.)

Defined terms:

<i>Agency</i>	§2-2	<i>May</i>	<i>cf.</i> §2-36
<i>Board</i>	§2-3	<i>Must</i>	<i>cf.</i> §2-36
<i>Employee</i>	§2-9	<i>Official</i>	§2-21
<i>Ethics Board</i>	§2-10		

§ 3-21. Conflicts affidavit.

(a) *Officials to file.*

Each official must, within 6 months of his or her appointment to office, complete and file with the Ethics Board and with that official's appointing authority, an affidavit that certifies, under penalties of perjury, that the official:

(1) has read and understands the provisions of this article governing conflicts of interest;

(2) is not then in violation of those provisions; and

(3) obligates himself or herself to comply with those provisions in all future activities.

(b) *Form.*

The affidavit must be in the form that the Ethics Board requires.

(Ord. 04-795.)

Defined terms:

<i>Ethics Board</i>	§2-10	<i>Official</i>	§2-21
<i>Must</i>	<i>cf.</i> §2-36		

§ 3-22. Oaths and subpoenas.

(a) *In general.*

The Ethics Board and Executive Director each may:

(1) administer oaths; and

(2) issue subpoenas for the attendance of witnesses to testify or to produce other evidence.

(b) *Judicial enforcement.*

A subpoena issued under this section may be judicially enforced.

(Ord. 04-795.)

Defined terms:

<i>Ethics Board</i>	§2-10	<i>May</i>	<i>cf. §2-36</i>
<i>Executive Director</i>	§2-11		

§ 3-23. Filing fees.(a) *In general.*

- (1) Except as specified in paragraph (2) of this subsection, the Ethics Board may charge reasonable filing fees for statements, reports, and other documents filed under this article.
- (2) The Board may not charge a fee for a disclosure statement timely filed under Subtitle 7 {"Financial Disclosure"} of this article.

(b) *Late fees.*

The fees charged may include late fees for any document that is filed after the applicable deadline.

(Ord. 04-795.)

Defined terms:

<i>Ethics Board</i>	§2-10	<i>May</i>	<i>cf. §2-36</i>
<i>Includes...</i>	§2-18	<i>May not</i>	<i>cf. §2-36</i>

§ 3-24. Notices to new appointees.(a) *Notice required.*

An individual who is appointed to fill a vacancy in a position must be given written notice, in a form approved by the Ethics Board, of the requirements of:

- (1) § 7-12 {"Financial Disclosure: Appointee to vacancy"}; and
- (2) if applicable to the position:
 - (i) § 3-20 {"Training courses"}; and
 - (ii) § 3-21 {"Conflicts affidavit"}.

(b) *By whom given.*

- (1) For uncompensated appointees of the Mayor, the notice must be given by the Mayor or the Mayor's designee.
- (2) For all other appointees, the notice must be given by the Director of Human Resources or the Director's designee.

(c) *When to be given.*

The notice must be given within 5 days after the appointment.
 (Ord. 04-795; Ord. 04-822.)

Defined terms:*Ethics Board*

§2-10

*Must**cf.* §2-36**§ 3-25. Exemptions for boards.**(a) *In general.*

The Ethics Board may exempt from this article, or modify the applicability of this article to, a board or 1 or more members of a board if the Ethics Board determines that, because of the nature of the board, the application of this article to the board or member:

- (1) would significantly reduce the availability of qualified individuals for public service; and
- (2) is not needed to preserve the purposes of this article.

(b) *Written request required.*

An exemption under this section may be granted only on the written request of the board involved.
 (Ord. 04-795.)

Defined terms:*Board*

§2-3

*May**cf.* §2-36*Ethics Board*

§2-10

SUBTITLE 4
ADVISORY OPINIONS

§ 4-1. Request for opinion.

(a) *Requester's right.*

At the written request of a person who is subject to this article, the Ethics Board must provide an advisory opinion, in a timely fashion, on the article's application to that person under the circumstances described in the request.

(b) *Board's discretion.*

At the written request of any person not within the scope of subsection (a) of this section, the Ethics Board may provide that person with an advisory opinion on the article's application to the circumstances described in the request.

(Ord. 04-795.)

Defined terms:

<i>Ethics Board</i>	§2-10	<i>Must</i>	<i>cf.</i> §2-36
<i>May</i>	<i>cf.</i> §2-36	<i>Person</i>	§2-22

§ 4-2. Executive Director's assistance.

(a) *Requester's right.*

The Executive Director must assist any person who needs or asks for help in preparing a written request under §4-1(a) {"Request for opinion: Requester's right"} of this subtitle.

(b) *Director's discretion.*

The Executive Director may assist any person who needs or asks for help in preparing a written request under §4-1(b) {"Request for opinion: Executive Director's discretion"} of this subtitle.

(Ord. 04-795.)

Defined terms:

<i>Executive Director</i>	§2-11	<i>Must</i>	<i>cf.</i> §2-36
<i>May</i>	<i>cf.</i> §2-36	<i>Person</i>	§2-22

§ 4-3. Publication.

(a) *In general.*

Each advisory opinion of the Ethics Board must be:

- (1) in writing; and
- (2) subject to the redactions required by subsection (b) of this section, filed and made available for public inspection.

(b) *Confidentiality.*

(1) Neither the Ethics Board nor its staff may reveal the identity of the person that is the subject of an advisory opinion.

(2) Before an advisory opinion is made public, the Ethics Board must delete:

(i) the name of the person that is the subject of the opinion; and

(ii) to the fullest extent possible, any other information that might identify that person.

(Ord. 04-795.)

Defined terms:

Ethics Board
May not

§2-10
cf. §2-36

Must
Person

cf. §2-36
§2-22

§ 4-4. Reliance on opinion.

Any person subject to this article is entitled to rely on an advisory opinion of the Ethics Board that:

(1) is reasonably applicable to that person's circumstances; and

(2) has not been:

(i) overruled by a later opinion of the Ethics Board; or

(ii) superseded by an amendment to the applicable provisions of this article or of the rules and regulations adopted under it.

(Ord. 04-795.)

Defined terms:

Ethics Board

§2-10

Person

§2-22

**SUBTITLE 5
COMPLAINTS**

§ 5-1. Commencement of action.

(a) *On complaint of other.*

(1) Any person may file a complaint with the Ethics Board alleging a violation of this article.

(2) A complaint filed under this subsection must be:

- (i) in writing;
- (ii) under oath; and
- (iii) signed by the complainant.

(b) *On Board's motion.*

On its own motion, the Ethics Board may issue a written complaint alleging a violation of this article.

(Ord. 04-795.)

Defined terms:

Ethics Board
May

§2-10 *Must*
cf. §2-36 *Person*

cf. §2-36
§2-22

§ 5-2. Copy to respondent.

(a) *In general.*

Subject to the redactions required by subsection (b) of this section, the Executive Director must promptly send the respondent a copy of the complaint.

(b) *Confidentiality.*

For a complaint filed under § 5-1(a) {"Commencement of action: On complaint of other"} of this subtitle, the Executive Director must delete from the copy sent to the respondent:

(1) the complainant's name; and

(2) to the fullest extent possible, any other information that might identify the complainant.

(Ord. 04-795.)

Defined terms:

Ethics Board
Executive Director

§2-10 *Must*
§2-11

cf. §2-36

§ 5-3. Preliminary investigation.(a) *In general.*

The Executive Director must promptly investigate the complaint.

(b) *Report to Board.*

The Executive Director must report his or her findings to the Ethics Board within a reasonable time.

(Ord. 04-795.)

Defined terms:

<i>Ethics Board</i>	§2-10	<i>Must</i>	<i>cf. §2-36</i>
<i>Executive Director</i>	§2-11		

§ 5-4. Dismissal on cure of violation.(a) *Opportunity to cure.*

If the investigation discloses a prima facie violation, the Executive Director must:

- (1) so notify the respondent; and
- (2) provide the respondent with an opportunity to cure the violation.

(b) *Dismissal on cure.*

The Ethics Board may dismiss the complaint if:

- (1) within 15 days after the Executive Director's notice, the respondent cures the alleged violation; and
- (2) the Board finds that a dismissal would not be contrary to the purposes of this article.

(c) *Notice of dismissal.*

If the Ethics Board dismisses a complaint under this section, the Executive Director promptly must notify the complainant and respondent of the dismissal.

(Ord. 04-795.)

Defined terms:

<i>Ethics Board</i>	§2-10	<i>May</i>	<i>cf. §2-36</i>
<i>Executive Director</i>	§2-11	<i>Must</i>	<i>cf. §2-36</i>

§ 5-5. Dismissal on preliminary review.*(a) In general.*

After receiving the report of the investigation, if the Ethics Board determines that the facts do not merit further proceedings, the Board must dismiss the complaint.

(b) Notice of dismissal.

If the Ethics Board dismisses a complaint under this section, the Executive Director promptly must notify the complainant and respondent of the dismissal.

(Ord. 04-795.)

Defined terms:

<i>Ethics Board</i>	§2-10	<i>May</i>	<i>cf. §2-36</i>
<i>Executive Director</i>	§2-11	<i>Must</i>	<i>cf. §2-36</i>

§ 5-6. Hearing on complaint.*(a) In general.*

If the complaint is not dismissed under § 5-4 {“Dismissal on cure of violation”} or § 5-5 {“Dismissal on preliminary review”} of this subtitle, the Ethics Board must provide the respondent with notice and an opportunity for a hearing before the Board.

(b) Representation by counsel.

At the hearing, the respondent is entitled to be represented by counsel.

(c) Procedures.

In its rules and regulations, the Ethics Board must establish procedures to govern the conduct of hearings held under this subtitle.

(Ord. 04-795.)

Defined terms:

<i>Ethics Board</i>	§2-10	<i>Must</i>	<i>cf. §2-36</i>
<i>May</i>	<i>cf. §2-36</i>		

§ 5-7. Disposition.*(a) Determination.*

After the Ethics Board considers all of the evidence presented, it must make written findings of fact and conclusion of law on each alleged violation.

(b) *Finding of no violation.*

If the Ethics Board determines that the respondent has not violated this article, the Board must:

- (1) dismiss the complaint; and
- (2) promptly notify the complainant and respondent of the dismissal.

(c) *Sanctions for violation.*

If the Ethics Board determines that the respondent has violated any provision of this article, the Board may take any 1 or more of the actions authorized in Subtitle 19 {"Enforcement"}, Part II {"Administrative Sanctions"}.

(Ord. 04-795.)

Defined terms:

Ethics Board
May

§2-10
cf. §2-36

Must

cf. §2-36

§ 5-8. Judicial and appellate review.(a) *Judicial review.*

If the respondent is aggrieved by the Ethics Board's final decision, the respondent may seek judicial review of that decision by petition to the Circuit Court for Baltimore City in accordance with the Maryland Rules of Procedure.

(b) *Appellate review.*

A party to the judicial review may appeal the court's final judgment to the Court of Special Appeals in accordance with the Maryland Rules of Procedure.

(Ord. 04-795.)

Defined terms:

Ethics Board

§2-10 *May*

cf. §2-36

§ 5-9. Confidentiality of proceedings.(a) *In general.*

Notwithstanding any other law and except as otherwise provided in this section, after a complaint is filed:

- (1) the proceedings, meetings, and activities of the Ethics Board and its staff relating to the complaint are confidential; and
- (2) neither the Ethics Board nor its staff may disclose any information relating to the complaint, including the identity of the complainant or the respondent.

(b) *Permitted disclosures.*

- (1) The Ethics Board may release any information, other than the complainant's identity, if the respondent has agreed in writing to the release.
- (2) The Ethics Board may disclose the complainant's identity to the respondent only at the respondent's request and for good cause shown.

(c) *Duration.*

The restrictions imposed by this section terminate when:

- (1) the matter is referred for criminal prosecution; or
- (2) the Ethics Board determines that a violation has occurred.

(Ord. 04-795.)

Defined terms:

Ethics Board
Includes...

§2-10
§2-18

No ... may
May

cf. §2-36
cf. §2-36

**SUBTITLE 6
CONFLICTS OF INTEREST**

PART I. DEFINITIONS

§ 6-1. Definitions.

(a) *In general.*

In this subtitle, the following terms have the meanings indicated.

(b) *Disqualifying relative.*

“Disqualifying relative”, as applied to an individual, means that individual’s spouse, parent, child, or sibling.

(Ord. 04-795.)

Defined terms:

Child

§2-6

§§ 6-2 to 6-5. {Reserved}

PART II. RESTRICTIONS ON PARTICIPATION**§ 6-6. Prohibited participation.**

Except as otherwise provided in this Part II, a public servant may not participate in and must disqualify himself or herself from any matter if:

- (1) the public servant has an interest in the matter of which the public servant might reasonably be expected to know;
- (2) to the public servant's knowledge, a disqualifying relative has an interest in the matter; or
- (3) any of the following is a party to the matter:
 - (i) any business entity in which:
 - (A) the public servant has a direct financial interest of which the public servant might reasonably be expected to know; or
 - (B) to the public servant's knowledge, a disqualifying relative has a direct financial interest;
 - (ii) any business entity in which:
 - (A) the public servant is an officer, director, trustee, partner, or employee; or
 - (B) to the public servant's knowledge, a disqualifying relative is an officer, director, trustee, partner, or employee;
 - (iii) any business entity with which:
 - (A) the public servant has applied for a position, is negotiating employment, or has arranged prospective employment; or
 - (B) to the public servant's knowledge, a disqualifying relative has applied for a position, is negotiating employment, or has arranged prospective employment;
 - (iv) any business entity that is a party to a contract with:
 - (A) the public servant, if the contract could reasonably be expected to result in a conflict between the private interests of the public servant and the public servant's official City duties; or
 - (B) to the public servant's knowledge, a disqualifying relative, if the contract could reasonably be expected to result in a conflict between the private interests of the public servant or disqualifying relative and the public servant's official City duties;

- (v) any business entity in which a direct financial interest is held by another business entity in which the public servant has a direct financial interest, if the public servant might reasonably be expected to know of both financial interests;
- (vi) any business entity in which a direct financial interest is held by another business entity in which a disqualifying relative has a direct financial interest, if the public servant knows of both financial interests;
- (vii) any business entity that has a direct financial interest in another business entity in which the public servant also has a direct financial interest, if the public servant might reasonably be expected to know of both financial interests;
- (viii) any business entity that has a direct financial interest in another business entity in which a disqualifying relative also has a direct financial interest, if the public servant knows of both financial interests; or
- (ix) any business entity that, to the public servant's knowledge, is a creditor or obligee of the public servant or a disqualifying relative and that, as a creditor or obligee, is in a position to affect directly and substantially the interest of the public servant or disqualifying relative.

(Ord. 04-795.)

EDITOR'S NOTE

Section 8 of Ordinance 04-795 provides that the preceding § 6-6 "do[es] not prohibit the continued employment of a relative of a public servant if:

- (1) the employment was entered into prior to the enactment of this Ordinance; and
- (2) immediately prior to the enactment of this Ordinance, the employment and the public servant's participation in the employment conformed to all then-applicable laws, rules, and other standards of conduct."

The Ordinance was enacted on July 8, 2004.

Defined terms:

<i>Business entity</i>	§2-4	<i>May not</i>	<i>cf. §2-36</i>
<i>Disqualifying relative</i>	§6-1	<i>Must</i>	<i>cf. §2-36</i>
<i>Financial interest</i>	§2-16	<i>Public servant</i>	§2-23
<i>Interest</i>	§2-19		

§ 6-7. Exceptions.

- (a) *Actions authorized by Board or article.*

The prohibitions in § 6-6 { "Prohibited participation" } of this subtitle do not apply to the extent that participation in a matter is expressly allowed:

- (1) by a rule or regulation of the Ethics Board;
- (2) by an advisory opinion of the Ethics Board; or

(3) by another provision of this article.

(b) *Ministerial activities.*

The prohibitions in § 6-6 {“Prohibited participation”} of this subtitle do not prohibit the exercise of a ministerial duty that does not affect the disposition of or any decision relating to the matter involved.

(Ord. 04-795.)

Defined terms:

Ethics Board

§2-10

§ 6-8. Participation notwithstanding conflict.

(a) *In general.*

Subject to subsection (b) of this section, a public servant who otherwise would be disqualified under § 6-6 {“Prohibited participation”} of this subtitle may nonetheless participate in a matter if:

- (1) his or her disqualification would leave a board or other body with less than a quorum capable of acting;
- (2) the public servant is required by law to act; or
- (3) the public servant is the only individual authorized to act.

(b) *Conditions of participation.*

- (1) A public servant who seeks to participate in a matter under the authority of this section must comply with the requirements of this subsection.
- (2) If acting as a member of a board or other body, the public servant must, before participating, publicly disclose to that board or other body the nature and circumstances of the conflict.
- (3) In all cases, the public servant must, as soon as possible after participating, file with the Ethics Board and the public servant’s appointing authority a written notice of the nature and circumstances of the conflict and the participation.

(Ord. 04-795.)

Defined terms:

Board
Ethics Board
May

§2-3
§2-10
cf. §2-36

Must
Public servant

cf. §2-36
§2-23

§ 6-9. Service with entity on City's behalf.

The prohibitions in § 6-6 {"Prohibited participation"} of this subtitle do not apply to the service of a public servant as a trustee or director of a business entity doing business with or subject to regulation by the City as long as:

- (1) the City has an economic or programmatic interest in the entity; and
- (2) the public servant:
 - (i) serves on the entity as part of his or her official duties, at the direction of his or her agency;
 - (ii) receives no fee, salary, or other remuneration for his or her service; and
 - (iii) does not participate in any matter in which the public servant or any disqualifying relative has a financial interest.

(Ord. 04-795.)

Defined terms:

<i>Agency</i>	§2-2	<i>Disqualifying relative</i>	§6-1
<i>Business entity</i>	§2-4	<i>Financial interest</i>	§2-16
<i>Business with City</i>	§2-5	<i>Public servant</i>	§2-23

§ 6-10. {Reserved}

PART III. RESTRICTIONS ON EMPLOYMENT AND INTERESTS**§ 6-11. Prohibited interests.**

Except as otherwise provided in this Part III, a public servant may not:

- (1) be employed by or have a financial interest in any person that is subject to the authority of that public servant or of the City agency with which the public servant is affiliated;
- (2) be employed by or have a financial interest in any person that is negotiating or has entered into:
 - (i) a contract with the City agency with which the public servant is affiliated; or
 - (ii) a subcontract on a contract that is being negotiated or has been entered into with that City agency; or
- (3) hold any other employment relationship that would impair the impartiality and independent judgment of the public servant.

(Ord. 04-795.)

Defined terms:

<i>Agency</i>	§2-2	<i>Person</i>	§2-22
<i>Financial interest</i>	§2-16	<i>Public servant</i>	§2-23
<i>May not</i>	cf. §2-36		

§ 6-12. Exceptions – Board regulation.

The prohibitions in § 6-11 {“Prohibited interests”} of this subtitle do not apply to an employment or financial interest that is allowed by a rule or regulation of the Ethics Board if:

- (1) in the case of employment, the employment does not create a conflict of interest or the appearance of a conflict of interest; and
- (2) in the case of a financial interest, the interest is disclosed in the manner required by the rule or regulation.

(Ord. 04-795.)

Defined terms:

<i>Ethics Board</i>	§2-10	<i>Financial interest</i>	§2-16
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§ 6-13. Exceptions – Industry representatives.

The prohibitions in § 6-11 {“Prohibited interests”} of this subtitle do not apply to an individual who is appointed to a regulatory or licensing unit pursuant to a requirement that persons subject to the jurisdiction of the unit be represented in appointments to it.

(Ord. 04-795.)

Defined terms:

Person §2-22

§ 6-14. Exceptions – New board members.*(a) In general.*

The prohibitions in § 6-11 {“Prohibited interests”} of this subtitle do not apply to a board member who holds the employment or financial interest at the time of his or her appointment, if that employment or financial interest is publicly disclosed to the appointing authority, the Ethics Board, and, if applicable, the City Council before confirmation.

(b) Disclosure by affidavit.

The disclosure must be made by an affidavit, under penalties of perjury, in the form that the Ethics Board requires.

(Ord. 04-795.)

Defined terms:

Board §2-3 *Financial interest* §2-16
Ethics Board §2-10

§ 6-15. Exceptions – Service on City’s behalf.

The prohibitions in § 6-11 {“Prohibited interests”} of this subtitle do not apply to the service of a public servant as a trustee or director of a business entity in accord with and subject to the limitations specified in § 6-9 {“Service ... on City’s behalf”} of this subtitle.

(Ord. 04-795.)

Defined terms:

Business entity §2-4 *Public servant* §2-23

§ 6-16. Extraordinary exemptions.*(a) In general.*

Subject to subsection (b) of this section, the Ethics Board may exempt a public servant from the prohibitions of § 6-11 {“Prohibited interests”} of this subtitle or modify the applicability of those prohibitions to a public servant if the Board determines that failure to grant the exemption or modification would limit the City’s ability to:

- (1) recruit and hire highly qualified or uniquely qualified professionals for public service; or
- (2) assure the availability of competent services to the public.

(b) Criteria for granting.

- (1) The Ethics Board may grant an exemption or modification under this section only:

- (i) in extraordinary circumstances;
- (ii) at the request of the City agency involved; and
- (iii) with the Mayor's approval of that request.

(2) The Ethics Board must apply this section as consistently as possible under similar facts and circumstances.

(Ord. 04-795.)

Defined terms:

<i>Agency</i>	§2-2	<i>Must</i>	<i>cf.</i> §2-36
<i>Ethics Board</i>	§2-10	<i>Public servant</i>	§2-23
<i>May</i>	<i>cf.</i> §2-36		

§ 6-17. Permitted transactions.

The prohibitions of § 6-11 {“Prohibited interests”} of this subtitle do not prevent:

- (1) an elected official from appearing, without compensation, before any City agency or legislative body on behalf of constituents or in the performance of any public, official, or civic obligation or duty;
- (2) a public servant from accepting or receiving any benefit or facility that is provided for or made available to citizens or residents under any housing or other general welfare legislation or in the exercise of the police power, but only if the public servant does not exercise any responsibility or authority with respect to authorizing that benefit or facility for himself or herself; or
- (3) a public servant from entering into a contract with the City for the City's acquisition of real property, if:
 - (i) the amount to be paid for the property does not exceed the property's value, as established by at least 2 competent real estate appraisers selected by the City; and
 - (ii) all records of the City relating to the transaction are open to public inspection at all times during regular business hours.

(Ord. 04-795.)

Defined terms:

<i>Agency</i>	§2-2	<i>Elected official</i>	§2-8
<i>Compensation</i>	§2-7	<i>Public servant</i>	§2-23

§§ 6-18 to 6-20. {Reserved}

§ 6-21. Contingent compensation.

A public servant may not assist or represent a party for contingent compensation in any matter before or involving any City agency.
(Ord. 04-795.)

Defined terms:

<i>Agency</i>	§2-2	<i>May not</i>	<i>cf.</i> §2-36
<i>Compensation</i>	§2-7	<i>Public servant</i>	§2-23

§ 6-22. Post-employment restrictions.

For 2 years after leaving office or terminating employment, a former public servant may not assist or represent a party, other than the City, in a case, contract, or other specific matter for compensation if:

(1) the matter involves City government; and

(2) the former public servant significantly participated in the same matter as a public servant.
(Ord. 04-795.)

Defined terms:

<i>Compensation</i>	§2-7	<i>Public servant</i>	§2-23
<i>May not</i>	<i>cf.</i> §2-36		

§§ 6-23 to 6-25. {Reserved}

PART IV. GIFTS**§ 6-26. Solicitation prohibited.****(a) *In general.***

Except as permitted under subsection (b) of this section, a public servant may not solicit or facilitate the solicitation of a gift, whether on the public servant's own behalf or on behalf of another person, from any person who:

- (1) does or seeks to do business of any kind, regardless of amount:
 - (i) with the public servant's agency; or
 - (ii) if the public servant is a member or employee of the City Council, with the City Council;
- (2) engages in an activity that is regulated or controlled by the public servant's agency;
- (3) has a financial interest that might be substantially and materially affected, in a manner distinguishable from the public generally, by the performance or nonperformance of the public servant's official duties; or
- (4) is a lobbyist with respect to matters within the jurisdiction of the public servant.

(b) *Exception.*

The prohibition in subsection (a) of this section does not apply to a solicitation if:

- (1) it is for the benefit of an official governmental program or activity or a City-endorsed charitable function or activity; and
- (2) it either:
 - (i) is expressly allowed by a rule or regulation of the Ethics Board; or
 - (ii) otherwise has been approved in advance by the Ethics Board, on the written request of the public servant and his or her agency.

(Ord. 04-795.)

Defined terms:

<i>Agency</i>	§2-2	<i>Lobbyist</i>	§2-20
<i>Ethics Board</i>	§2-10	<i>May not</i>	cf. §2-36
<i>Financial interest</i>	§2-16	<i>Person</i>	§2-22
<i>Gift</i>	§2-17	<i>Public servant</i>	§2-23

§ 6-27. Acceptance prohibited.

Except as otherwise provided in this Part IV, a public servant may not knowingly accept any gift, directly or indirectly, from any person that the public servant knows or has reason to know:

- (1) does or seeks to do business of any kind, regardless of amount:
 - (i) with the public servant's agency; or
 - (ii) if the public servant is a member or employee of the City Council, with the City Council;
- (2) engages in an activity that is regulated or controlled by the public servant's agency;
- (3) has a financial interest that might be substantially and materially affected, in a manner distinguishable from the public generally, by the performance or nonperformance of the public servant's official duties; or
- (4) is a lobbyist with respect to matters within the jurisdiction of the public servant.

(Ord. 04-795.)

Defined terms:

<i>Agency</i>	§2-2	<i>Lobbyist</i>	§2-20
<i>Business with City</i>	§2-5	<i>May not</i>	cf. §2-36
<i>Employee</i>	§2-9	<i>Person</i>	§2-22
<i>Financial interest</i>	§2-16	<i>Public servant</i>	§2-23
<i>Gift</i>	§2-17		

§ 6-28. Qualified exemptions.

Subject to § 6-29 {"Exemption limitations"} of this subtitle, the prohibitions in § 6-27 {"Acceptance prohibited"} of this subtitle do not apply to the unsolicited receipt of:

- (1) food or beverages received and consumed by the recipient in the presence of the donor or sponsoring entity;
- (2) gifts or awards that have insignificant monetary value;
- (3) in return for a speaking engagement or participation on a panel at a meeting, reasonable expenses for food, travel, lodging, and scheduled entertainment of the public servant, but only if:
 - (i) the expenses are associated with the meeting; and
 - (ii) to the extent the expenses are anticipated to exceed \$500, the public servant has notified the Ethics Board before attending the meeting;
- (4) tickets or free admission given to an elected official to attend a specific charitable, cultural, sporting, or political event, if given by the person sponsoring or conducting the event as a courtesy or ceremony to the office;

(5) a specific gift or class of gifts that the Ethics Board exempts on a written finding that acceptance of the gift or class of gifts would not be detrimental to the impartial conduct of City business;

(6) gifts from a spouse, parent, child, or sibling; or

(7) honoraria, to the extent provided in § 6-30 {"Honoraria"} of this subtitle.

(Ord. 04-795.)

Defined terms:

<i>Child</i>	§2-6	<i>Gift</i>	§2-17
<i>Elected official</i>	§2-8	<i>Person</i>	§2-22
<i>Ethics Board</i>	§2-10	<i>Public servant</i>	§2-23

§ 6-29. Exemption limitations.

The exemptions specified in § 6-28 {"Qualified exemptions"} of this subtitle do not apply to any gift if:

(1) the gift would tend to impair the recipient's impartiality and independent judgment; or

(2) for a gift of significant value:

(i) the gift would give the appearance of impairing the recipient's impartiality and independent judgment; or

(ii) the recipient believes or has reason to believe that the gift is designed to impair his or her impartiality and independent judgment.

(Ord. 04-795.)

Defined terms:

<i>Gift</i>	§2-17
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§ 6-30. Honoraria.

(a) "*Honorarium*" defined.

(1) "Honorarium" means the payment of money or anything of value for:

(i) speaking to, participating in, or attending a meeting or other function; or

(ii) writing an article that has been or is intended to be published.

(2) "Honorarium" does not include payment for writing a book that has been or is intended to be published.

(b) *Permitted honoraria.*

Subject to § 6-29 {“Exemption limitations”} of this subtitle, a public servant may accept an honorarium if:

- (1) the honorarium consists of gifts described in § 6-28(2) of this subtitle; or
- (2) the honorarium is limited to reasonable expenses, actually incurred and verifiable, for:
 - (i) the public servant’s meals, travel, and lodging; and
 - (ii) care for a child or dependent adult.

(c) *Prohibited honoraria.*

Other than as allowed by subsection (b) of this section, a public servant may not accept an honorarium, even if not otherwise disqualified under § 6-29 {“Exemption limitations”} of this subtitle, if:

- (1) the payor of the honorarium has an interest that might be affected substantially and materially, in a manner distinguishable from the public generally, by the performance or nonperformance of the public servant’s official duties; and
- (2) the offer of the honorarium is in any way related to the public servant’s official duties.

(Ord. 04-795.)

Defined terms:

<i>Child</i>	§2-6	<i>May</i>	<i>cf.</i> §2-36
<i>Gift</i>	§2-17	<i>May not</i>	<i>cf.</i> §2-36
<i>Interest</i>	§2-19	<i>Public servant</i>	§2-23

§ 6-31. Additional exemptions by Board.

By rule or regulation, the Ethics Board may establish further exemptions from or modifications of this Part IV, as the Board considers necessary.

(Ord. 04-795.)

Defined terms:

<i>Ethics Board</i>	§2-10	<i>May</i>	<i>cf.</i> §2-36
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§§ 6-32 to 6-35. {Reserved}

PART V. MISCELLANEOUS**§ 6-36. Prestige of office.**(a) *In general.*

A public servant may not intentionally use the prestige of his or her office or position for his or her own private gain or that of another.

(b) *Constituent services.*

The performance of usual and customary constituent services, without additional compensation, is not prohibited by this section.

(Ord. 04-795.)

Defined terms:

<i>Compensation</i>	§2-7	<i>Public servant</i>	§2-23
<i>May not</i>	<i>cf. §2-36</i>		

§ 6-37. Disclosing confidential information.

Except in the discharge of an official duty, a public servant may not disclose or use, for his or her own economic benefit or that of another, confidential information that the public servant acquired by reason of his or her public position and that is not available to the public.

(Ord. 04-795.)

Defined terms:

<i>May not</i>	<i>cf. §2-36</i>	<i>Public servant</i>	§2-23
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§ 6-38. Participation in procurement.(a) *Scope of section.*

This section applies to:

- (1) any individual who, for a proposed City procurement, assists a City agency in the drafting, development, or issuance of specifications, an invitation for bids, a request for proposals, a request for qualifications, or any other document related to the procurement; and
- (2) any person who employs that individual.

(b) *Prohibited conduct.*

A person described in subsection (a) of this section may not:

- (1) submit a response for that procurement; or

- (2) directly or indirectly, assist or represent another person who is submitting a response for that procurement.

(c) *Exemptions.*

For purposes of this section, the following transactions do not constitute assisting in the drafting of specifications, an invitation for bids, a request for proposals, or a request for qualifications:

- (1) providing descriptive literature, such as catalogue sheets, brochures, technical data sheets, or standard specification “samples”, whether solicited by the City agency or unsolicited;
- (2) submitting written comments on a specification prepared by an agency or on a solicitation for a bid or proposal, if comments have been solicited from 2 or more persons as part of a request for information or a prebid or preproposal process; or
- (3) providing specifications for a sole-source or selected-source procurement authorized by law.

(Ord. 04-795.)

Defined terms:

Agency
May not

§2-2
cf. §2-36

Person

§2-22

§ 6-39. Employment of relatives by elected officials.

(a) *“Relative” defined.*

In this section, “relative” means:

- (1) spouse;
- (2) parent or stepparent;
- (3) sibling or step sibling;
- (4) child, stepchild, foster child, or ward;
- (5) mother-in-law or father-in-law;
- (6) son-in-law or daughter-in-law;
- (7) grandparent; or
- (8) grandchild.

(b) *Prohibited employment.*

No elected official may use public funds to employ a relative of that elected official or of any other elected official.

(Ord. 04-795.)

EDITOR'S NOTE

Section 8 of Ordinance 04-795 provides that the preceding § 6-39 “do[es] not prohibit the continued employment of a relative of a public servant if:

- (1) the employment was entered into prior to the enactment of this Ordinance; and
- (2) immediately prior to the enactment of this Ordinance, the employment and the public servant’s participation in the employment conformed to all then-applicable laws, rules, and other standards of conduct.”

The Ordinance was enacted on July 8, 2004.

Defined terms:

<i>Child</i>	§2-6	<i>No ... may</i>	<i>cf. §2-36</i>
<i>Elected official</i>	§2-8		

SUBTITLE 7
FINANCIAL DISCLOSURE

PART I. GENERAL PROVISIONS

§ 7-1. Certifications.

(a) *When made.*

The certifications required by this section must be made on or before February 1 of each year.

(b) *Individuals required to file.*

Each agency head must annually certify to the Ethics Board the names of all public servants in that agency who are required to file statements with the Ethics Board under:

- (1) § 7-7 { “Elected officials and staff”};
- (2) § 7-8 { “Agency officials and staff”};
- (3) § 7-9 { “Procurement, legislative liaison, and enforcement personnel”}; or
- (4) § 7-10 { “Person filing with State”}.

(c) *Procurement, legislative liaison, and enforcement positions.*

The Director of Human Resources must annually certify to the Ethics Board:

- (1) all positions of the types described in § 7-9 { “Procurement, legislative liaison, and enforcement personnel”} of this subtitle; and
- (2) the agencies in which those positions are found.

(d) *Entities doing business with City.*

- (1) The Finance Director must annually certify to the Ethics Board a list of all business entities doing business with the City.
- (2) The Ethics Board must keep this list on file and available to all persons subject to this subtitle.

(e) *Registered lobbyists.*

- (1) The Ethics Board must annually certify a list of all lobbyists registered with it.
- (2) The Ethics Board must keep this list on file and available to all persons subject to this subtitle.

(Ord. 04-795; Ord. 04-822.)

Defined terms:

<i>Agency</i>	§2-2	<i>Must</i>	<i>cf.</i> §2-36
<i>Business entity</i>	§2-2	<i>Official</i>	§1-21
<i>Business with City</i>	§2-5	<i>Person</i>	§2-22
<i>Ethics Board</i>	§2-10	<i>Public servant</i>	§2-23
<i>Lobbyist</i>	§2-20		

§ 7-2. General filing requirements.*(a) Annual filing required.*

Except as otherwise specified in this subtitle, each statement must be filed with the Ethics Board on or before April 30 of each year.

(b) Reporting period; information.

Except as otherwise specified in this subtitle:

- (1) each statement must cover the calendar year immediately preceding the filing; and
- (2) disclose for that year all of the information required by Part III {"Contents of Statements"} of this subtitle.

(c) Form .

Each statement must be:

- (1) filed on the form the Ethics Board provides; and
- (2) signed under oath or affirmation, subject to the penalties of perjury.

(Ord. 04-795.)

Defined terms:

<i>Ethics Board</i>	§2-10	<i>Must</i>	<i>cf.</i> §2-36
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§ 7-3. Record of inspections.

The Executive Director must require each person who inspects or copies a statement filed under this subtitle to:

- (1) identify himself or herself; and
- (2) record:
 - (i) his or her name, home address, telephone number, and organization represented; and

(ii) the name of the person whose statement was inspected or copied.
(Ord. 04-795.)

Defined terms:

Executive Director
Must

§2-11
cf. §2-36

Person

§2-22

§§ 7-4 to 7-5. {Reserved}

PART II. WHO MUST FILE

§ 7-6. Definitions.

(a) *In general.*

In this Part II, the following terms have the meanings indicated.

(b) *“Non-clerical employee”.*

“Non-clerical employee” means any public servant who:

(1) is compensated for his or her services; and

(2) is not employed solely in a secretarial, clerical, or custodial capacity.

(Ord. 04-795.)

Defined terms:

Public servant

§2-23

§ 7-7. Persons required to file – Elected officials and staff.

The following elected officials and their employees must file the financial disclosure statements required by this subtitle:

(1) *Mayor’s Office.*

(i) Mayor.

(ii) Deputy Mayors.

(iii) Chief of Staff.

(iv) All non-clerical employees of Mayor’s Office.

(2) *Council President’s Office.*

(i) President of City Council.

(ii) Chief of Staff.

(iii) Director of Legislative Affairs.

(iv) Director of Fiscal Affairs.

(v) Director of Operations/Office Manager.

(vi) All non-clerical employees of President’s Office.

(3) *City Council.*

- (i) Councilmembers.
- (ii) Executive Secretary.
- (iii) Chief Clerk.
- (iv) Journal Clerk
- (v) Parliamentarian.
- (vi) Director of Council Services.
- (vii) All non-clerical employees of Council Services.
- (viii) All non-clerical employees of Councilmembers.

(4) *Comptroller's Office.*

- (i) City Comptroller.
- (ii) Deputy City Comptroller.
- (iii) Executive Assistant to Comptroller.
- (iv) City Auditor.
- (v) Real Estate Officer.
- (vi) Director of Communication Services.
- (vii) All non-clerical employees of Comptroller's Office.

(Ord. 04-795.)

Defined terms:

Elected official
Employee

§2-8
 §2-9

Non-clerical employee

§7-6

§ 7-8. Persons required to file – Agency officials and staff.

Except as provided in § 7-10 {“Person filing with State”} of this subtitle, the following officials and employees must file the financial disclosure statements required by this subtitle:

(1) *Aging and Retirement Education, Commission on the.*

- (i) Members of Commission.
- (ii) Executive Director.

- (iii) All Bureau Heads, Division Chiefs, and Administrators of the Commission.
- (2) *Architectural and Engineering Awards Commission.*
 - (i) Members of Commission.
 - (ii) Director.
- (3) *Auction Advisory Board.*
 - (i) Members of Board.
 - (ii) Director.
- (4) *{Reserved}*
- (5) *Civic Design Commission.*
 - (i) Members of Commission.
 - (ii) Director.
- (6) *Community Relations Commission.*
 - (i) Members of Board of Commissioners.
 - (ii) Director.
- (7) *Convention Complex.*
 - (i) Convention Complex Director.
 - (ii) Deputy Director.
 - (iii) Baltimore Arena Manager.
 - (iv) Convention Center Manager.
 - (v) Director, Client Services.
 - (vi) Director, Sales and Marketing.
 - (vii) Director, Building Services.
 - (viii) Director, Human Resources.
 - (ix) Director, Public Safety and Loss.
- (8) *{Reserved}*

(9) *Electrical Examiners and Supervisors, Board of.*

- (i) Members of Board.
- (ii) Director.

(10) *Enoch Pratt Free Library.*

- (i) Executive Director of Enoch Pratt Free Library.
- (ii) All Directors and Assistant Directors.
- (iii) All Managers.
- (iv) All Chiefs and Assistant Chiefs.

(11) *Environmental Control Board.*

- (i) Members of Board.
- (ii) Executive Director.
- (iii) Deputy Director.
- (iv) All hearing examiners.

(12) *Ethics Board.*

- (i) Members of Board.
- (ii) Executive Director.

(13) *Finance Department.*

- (i) Director of Finance.
- (ii) Deputy Finance Director.
- (iii) All Bureau Heads and Division Chiefs of Department.
- (iv) Deputy Chief of the Bureau of Treasury Management.
- (v) City Purchasing Agent.
- (vi) Risk Manager.
- (vii) All non-clerical employees of Department.

(14) *Fire Department.*

- (i) Members of Board of Fire Commissioners.
- (ii) Chief of Fire Department.
- (iii) Assistant Chiefs.
- (iv) Fire Marshal.
- (v) Shift Commanders.
- (vi) Battalion Chiefs.
- (vii) Fire Inspectors.
- (viii) Public Safety and Health Officers.
- (ix) Public Information Officers.
- (x) Emergency Medical Services Manager.
- (xi) Emergency Medical Services Billing Supervisor.
- (xii) Fiscal Supervisor.

(15) *{Reserved}*

(16) *Health Department*

EDITOR'S NOTE

SG § 15-102(m) defines the entities subject to the State Public Ethics Law as including “[a] county health department, unless the officials and employees of the department are expressly designated as ‘local officials’ in § 15-807 of this title”.

Chapter 544, Acts of 2004, amended SG § 15-807 to add a limited exception for Baltimore City. Specifically, § 15-807(a) states:

In Baltimore City, for the purpose of the financial disclosure provisions enacted by the governing body of Baltimore City, “local official” includes Baltimore City health and housing inspectors who inspect for lead hazards.

(17) *Historical and Architectural Preservation Commission.*

- (i) Members of Commission.
- (ii) Executive Director.

(18) *Housing Authority of Baltimore City.*

- (i) Members of Board of Commissioners.
- (ii) Executive Director.
- (iii) Deputy Executive Directors.
- (iv) Associate Deputy Directors.
- (v) Division Directors.
- (vi) Section Chiefs.
- (vii) Housing managers.
- (viii) Housing Inspectors.
- (ix) All attorneys.

(19) *Housing and Community Development Department.*

- (i) Commissioner of Housing and Community Development.
- (ii) Deputy Commissioners.
- (iii) Assistant Commissioners.
- (iv) All Bureau Heads, Directors, and Division Chiefs of Department.
- (v) Members of Human Services Commission.
- (vi) All non-clerical employees of the following programs or units of the Department:
 - 1. Administrative Direction and Control.
 - 2. Construction and Building Inspection.
 - 3. Finance and Development.
 - 4. Neighborhood Services.
 - 5. Property Acquisition and Relocation.
 - 6. Property Disposition.

(20) *Human Resources Department.*

- (i) Members of Civil Service Commission.
- (ii) Director of Human Resources.
- (iii) Deputy Director of Human Resources.
- (iv) All Bureau Heads and Division Chiefs of Department.

(21) *Information Technology, Office of.*

- (i) Chief of Information Technology.
- (ii) Information Systems Division Manager.
- (iii) Systems Programming Manager.
- (iv) Client Server Systems Administrator.
- (vi) All Division Chiefs.

(22) - (23) *{Reserved}*

(24) *Labor Commissioner, Office of.*

- (i) Labor Commissioner.
- (ii) Deputy Labor Commissioner.

(25) *Law Department.*

- (i) City Solicitor.
- (ii) Deputy City Solicitor.
- (iii) All attorneys and investigators.

(26) *Legislative Reference Department.*

- (i) Director.
- (ii) Deputy Director.
- (iii) All bill drafters.

(27) *Liquor License Commissioners Board.*

- (i) Members of Board.
- (ii) Executive Secretary.
- (iii) All inspectors.
- (iv) All non-clerical employees of Board.

(28) *Municipal and Zoning Appeals Board.*

- (i) Members of Board.
- (ii) Executive Secretary.
- (iii) All non-clerical employees of Board.

(29) - (30) *{Reserved}*

(31) *Parking Authority.*

- (i) Members of Board of Directors.
- (ii) Executive Director.
- (iii) All non-clerical employees of Authority.

(32) *Pawnbrokers Review Board.*

- (i) Members of Board.
- (ii) Director.

(33) *Planning Department.*

- (i) Members of Planning Commission.
- (ii) Director of Planning.
- (iii) Deputy Director of Planning.
- (iv) All non-clerical employees of Department.

(34) *Police Department.*

- (i) Commissioner.
- (ii) Deputy Commissioners.

- (iii) Section Directors.
- (iv) Commanding Officers.
- (v) Members of Civilian Review Board.
- (vi) All officers with rank of Command Staff I or above.

(35) *Public Works Department.*

- (i) Director of Public Works.
- (ii) Deputy Director of Public Works.
- (iii) All Bureau Heads, Division Chiefs, and Assistant Division Chiefs.
- (iv) All General Superintendents.
- (v) All inspectors.

(36) *{Reserved}*

(37) *Recreation and Parks Department.*

- (i) Director of Recreation and Parks.
- (ii) All Division Chiefs and Assistant Division Chiefs.
- (iii) All inspectors.

(38) *Retirement Systems.*

- (i) Members of Board of Trustees of Employees' Retirement System.
- (ii) Members of Board of Trustees of Fire and Police Employees' Retirement System.
- (iii) Executive Director and Deputy Director of Board of Trustees of Employees' Retirement System.
- (iv) Executive Director and Deputy Director of Board of Trustees of Fire and Police Employees' Retirement System.
- (v) Members of the staff of Employees' Retirement System as designated by the Executive Director.
- (vi) Members of the staff of Fire and Police Employees' Retirement System as designated by the Executive Director.

(39) *{Reserved}*

(40) *Transportation Department.*

- (i) Director.
- (ii) Deputy Director.
- (iii) All Division Chiefs and Assistant Division Chiefs.
- (iv) All General Superintendents.
- (v) All Inspectors.

(41) - (42) *{Reserved}*(43) *Wage Commission.*

- (i) Members of Commission.
- (ii) Director.
- (iii) Program Compliance Officers.

(Ord. 04-795.)

Defined terms:

<i>Agency</i>	§2-2	<i>Non-clerical employee</i>	§7-6
<i>Employee</i>	§2-9	<i>Official</i>	§2-21

§ 7-9. Persons required to file – Procurement, legislative liaison, and enforcement personnel.

Except as provided in § 7-10 {“Person filing with State”} of this subtitle, the following public servants must file the financial disclosure statements required by this subtitle:

(1) *Procurement employees.*

All non-clerical employees whose functions include:

- (i) the drafting, development, or issuance of specifications, invitations for bids, requests for proposals, requests for qualifications, or other related documents for the procurement of supplies, materials, or services;
- (ii) the review or evaluation of bids, proposals, qualifications, or contracts for the procurement of supplies, materials, or services; or
- (iii) the inspection, monitoring, or other enforcement of contract standards and specifications.

(2) *Legislative liaisons.*

All public servants whose functions include the influence of legislative action, as defined in § 8-1 of this article.

(3) *Enforcement personnel.*

All other public servants whose official duties include enforcement of (including inspections to assure compliance with) laws, rules, or regulations that affect the rights of the public or the procedures available to the public.

(Ord. 04-795.)

Defined terms:

<i>Agency</i>	§2-2	<i>Non-clerical employee</i>	§7-6
<i>Includes...</i>	§2-18	<i>Public servant</i>	§2-23

§ 7-10. Persons filing with State.

Any public servant who is required by law to file a financial disclosure statement with the State Ethics Commission:

(1) need not file the statement required by this subtitle; but

(2) when filing with the State, must file a copy of that statement with the Ethics Board.

(Ord. 04-795.)

Defined terms:

<i>Ethics Board</i>	§2-10	<i>Public servant</i>	§2-23
<i>Must</i>	cf. §2-36		

§ 7-11. Persons vacating position.(a) *In general.*

Except as provided in subsection (d) of this section, an individual who, other than by reason of death, vacates a position for which an annual statement is required must file a departure statement with the Ethics Board.

(b) *When to be filed.*

The departure statement must be filed within 60 days after vacating the position.

(c) *Scope of statement.*

The departure statement must:

(1) be in the form and contain all of the information required for an annual statement; and

(2) cover a reporting period that includes:

- (i) the calendar year immediately preceding the date of vacating the position, unless the individual already has filed an annual statement for that year; and
- (ii) the part of the current calendar year during which the individual served.

(d) *Exceptions.*

A departure statement need not be filed if:

- (1) an individual vacates a position to assume another position for which an annual statement is required under this subtitle; and
- (2) the disclosure requirements of the new position are at least as extensive as those of the former position.

(Ord. 04-795.)

Defined terms:

Ethics Board
Includes...

§2-10
§2-18

Must

cf. §2-36

§ 7-12. Persons filling vacancy.

(a) *In general.*

Except as provided in subsection (d) of this section, an individual who is appointed to fill a vacancy in a position for which an annual statement is required must file an entry statement with the Ethics Board.

(b) *When to be filed.*

The entry statement must be filed within 30 days after the appointment.

(c) *Scope.*

The entry statement must:

- (1) be in the form and contain all of the information required for an annual statement; and
- (2) cover the calendar year immediately preceding the appointment.

(d) *Exceptions.*

An entry statement need not be filed if:

- (1) while in another position, the individual already filed an annual statement for the preceding calendar year; and

- (2) the disclosure requirements of the former position were at least as extensive as those of the new position.

(Ord. 04-795.)

Defined terms:

Ethics Board

§2-10 *Must*

cf. §2-36

§ 7-13. Candidates for office.

(a) *In general.*

Except as provided in subsection (b) of this section, a candidate for an elected office for which an annual statement is required must file a statement annually:

- (1) beginning with the year in which the candidate files a certificate of candidacy; and
- (2) continuing through the year of the election.

(b) *Exception.*

This section does not require the filing of a statement for any full year that is already covered by a statement the individual has otherwise filed under this subtitle.

(c) *Filing requirements — Place.*

The statement required by this section must be filed with the Baltimore City Board of Elections.

(d) *Filing requirements — Time.*

- (1) The initial statement required by this section must be filed no later than with the filing of the certificate of candidacy.
- (2) In each subsequent year, through and including the year of the election, the statement must be filed on or before the earlier of:
 - (i) April 30; or
 - (ii) the last day for the withdrawal of a candidacy under State Election Law Article, § 5-502.

(e) *Filing prerequisite to candidacy.*

The Board of Elections may not accept a certificate of candidacy of a candidate covered by this section unless the candidate has filed the initial statement required by subsection (d)(1) of this section.

(f) *Subsequent failure to file.*

If a later statement required by this section is overdue and is not filed within 20 days after the candidate receives from the Board of Elections written notice of the failure to file, the candidate is considered to have withdrawn his or her candidacy.

(g) *Forwarding to Ethics Board.*

Within 30 days after receiving a statement, the Board of Supervisors of Elections must forward the statement to the Ethics Board.

(Ord. 04-795.)

Defined terms:

Ethics Board
May not

§2-10 *Must*
cf. §2-36

cf. §2-36

§ 7-14. Designees of Mayor or President.(a) *In general.*

Individuals designated under this section, other than elected officials, may also be required to disclose information annually.

(b) *Designations — by Mayor.*

By executive order, the Mayor may designate for disclosures under this section:

- (1) any employee of an executive agency; and
- (2) any uncompensated appointee of the Mayor.

(c) *Designations — by City Council President.*

By written order, the President of the City Council may designate for disclosures under this section:

- (1) any employee of the City Council; and
- (2) any uncompensated appointee of the President.

(d) *Contents.*

An individual filing a statement under this section must include the relevant information that the applicable designating authority specifies.

(e) *Statement a public record.*

A statement filed under this section is a public record.

(Ord. 04-795.)

Defined terms:

<i>Agency</i>	§2-2	<i>Includes...</i>	§2-18
<i>Elected official</i>	§2-8	<i>May</i>	<i>cf.</i> §2-36
<i>Employee</i>	§2-9	<i>Must</i>	<i>cf.</i> §2-36

§ 7-15. {Reserved}

PART III. CONTENTS OF STATEMENTS**§ 7-16. In general.**

The statement required to be filed under this subtitle must include schedules that disclose the information and interests specified in this Part III, as directly applicable to the public servant or attributable to the public servant for the reporting period for which the statement is required. (*Ord. 04-795.*)

Defined terms:

<i>Includes...</i>	§2-18	<i>Public servant</i>	§2-23
<i>Must</i>	<i>cf. §2-36</i>		

§ 7-17. Attributable interests.**(a) *In general.***

For purposes of § 7-21 {"Real property"} of this subtitle and § 7-22 {"Business entities"} of this subtitle, the following interests are attributable to and must be reported by the public servant.

(b) *Certain interests held by spouse, etc.*

An interest is attributable to the public servant if, at any time during the reporting period, it was:

- (1) held by a spouse, parent, child, or sibling of the public servant; and
- (2) directly or indirectly controlled by the public servant.

(c) *Interests held by certain business entities.*

(1) An interest is attributable to the public servant if, at any time during the reporting period, it was held by a business entity in which the public servant held an equity interest of 30% or more.

(2) This subsection does not limit:

- (i) the requirements of § 7-21 {"Real property"} of this subtitle to disclose real property interests held by entities in which the public servant holds an interest; or
- (ii) the requirements of § 7-22 {"Business entities"} of this subtitle to disclose certain entities in which the public servant holds an interest.

(d) *Interests held by certain trusts.*

An interest is attributable to the public servant if, at any time during the reporting period, it was held by a trust or estate in which the public servant:

- (1) held a reversionary interest;

(2) was a beneficiary; or

(3) if a revocable trust, was a settlor.

(Ord. 04-795.)

Defined terms:

<i>Business entity</i>	§2-4	<i>Must</i>	cf. §2-36
<i>Child</i>	§2-6	<i>Public servant</i>	§2-23
<i>Interest</i>	§2-19		

§ 7-18. Blind trusts.

For purposes of any of the disclosures required by this subtitle, interests held by a blind trust are not considered interests of the public servant making the statement if:

(1) the blind trust is approved by the Ethics Board in accordance with rules and regulations adopted under this article; and

(2) the blind trust is operated in compliance with those rules and regulations.

(Ord. 04-795.)

Defined terms:

<i>Ethics Board</i>	§2-10	<i>Public servant</i>	§2-23
<i>Interest</i>	§2-19		

§§ 7-19 to 7-20. {Reserved}

§ 7-21. Real property.

(a) *In general.*

The statement must include a schedule of each interest in real property that, at any time during the reporting period, was held by or, under § 7-17 {“Attributable interests”} of this subtitle, was attributable to the public servant, including each interest held in the name of a partnership, limited liability partnership, limited liability company, or other unincorporated entity in which an interest was held by or attributable to the public servant.

(b) *Required specifics.*

For each interest subject to this section, the schedule must include:

(1) the nature of the property;

(2) the property’s location by street address, mailing address, or legal description;

(3) the nature and extent of the interest held, including any conditions to and encumbrances on the interest;

(4) the identity of each other person with an interest in the property;

- (5) the date and manner in which the interest was acquired;
- (6) the identity of the person from which the interest was acquired;
- (7) if the interest was acquired by purchase, the nature and amount of the consideration given for the interest;
- (8) if the interest was acquired in any other manner, the fair market value of the interest when acquired;
- (9) if any interest was transferred, in whole or in part, at any time during the reporting period:
 - (i) a description of the interest transferred;
 - (ii) the nature and amount of the consideration received for the interest; and
 - (iii) the identity of the person to which the interest was transferred.

(Ord. 04-795.)

Defined terms:

<i>Includes...</i>	§2-18	<i>Person</i>	§2-22
<i>Interest</i>	§2-19	<i>Public servant</i>	§2-23
<i>Must</i>	cf. §2-36		

§ 7-22. Business entities.

(a) *In general.*

The statement must include a schedule of each interest in any corporation, partnership, limited liability company, or any other business entity, whether or not that entity does business with or is regulated by the City, if, at any time during the reporting period, the interest was held by or, under § 7-17 {"Attributable interests"} of this subtitle, was attributable to the public servant.

(b) *Required specifics.*

For each interest subject to this section, the schedule must include:

- (1) the name and address of the principal office of the business entity;
- (2) subject to subsection (c) of this section, the nature and amount of the interest held, including any conditions to and encumbrances on the interest;
- (3) except as provided in subsection (d) of this section, if any interest was acquired during the reporting period:
 - (i) the date and manner in which the interest was acquired;
 - (ii) the identity of the person from which the interest was acquired;

- (iii) if the interest was acquired by purchase, the nature and amount of the consideration given for the interest; and
- (iv) if the interest was acquired in any other manner, the fair market value of the interest when it was acquired; and
- (4) if any interest was transferred, in whole or in part, during the reporting period:
 - (i) a description of the interest transferred;
 - (ii) the nature and amount of the consideration received for the interest; and
 - (iii) if known, the identity of the person to which the interest was transferred.

(c) *Reporting equity interests.*

- (1) For an equity interest in a corporation, the reporting requirements of subsection (b)(2) of this section may be satisfied by reporting, instead of a dollar amount:
 - (i) the number of shares held; and
 - (ii) unless the corporation's stock is publicly traded, the percentage of equity interest held.
- (2) For an equity interest in a partnership, limited liability company, or any other business entity, the reporting requirements of subsection (b)(2) of this section may be satisfied by reporting, instead of a dollar amount, the percentage of equity interest held.

(d) *Reporting dividend reinvestments, etc.*

For purposes of the reporting requirements of subsection (b)(3) of this section, only the manner of acquisition need be disclosed if:

- (1) the interest was acquired by dividend or dividend reinvestment and consists solely of additions to existing, publicly traded corporate interests; and
- (2) the total value of the acquisition is less than \$500.

(Ord. 04-795.)

Defined terms:

<i>Business entity</i>	§2-4	<i>May</i>	<i>cf.</i> §2-36
<i>Business with City</i>	§2-5	<i>Must</i>	<i>cf.</i> §2-36
<i>Includes...</i>	§2-18	<i>Person</i>	§2-22
<i>Interest</i>	§2-19	<i>Public servant</i>	§2-23

§ 7-23. Gifts.**(a) “Significant gift” defined.**

(1) In this section, “significant gift” means, except as specified in paragraph (2) of this subsection:

- (i) any gift with a value of more than \$50; and
- (ii) any gift in a series of gifts with a cumulative value of \$150 or more given by or on behalf of the same person during the reporting period.

(2) “Significant gift” does not include any of the following, regardless of value:

- (i) a gift from a spouse, parent, child, or sibling;
- (ii) a campaign contribution that is otherwise reported as required by law; or
- (iii) tickets or free admission given to an elected official to attend a specific charitable, cultural, sporting, or political event, if given by the person sponsoring or conducting the event as a courtesy or ceremony to the office.

(b) In general.

The statement must include a schedule of each significant gift that was, at any time during the reporting period:

- (1) accepted by the public servant or by any other person at the direction of the public servant; and
- (2) given by or on behalf of, directly or indirectly, any person that was:
 - (i) a lobbyist;
 - (ii) a person regulated by the City; or
 - (iii) a person doing business with the City.

(c) Required specifics.

For each gift subject to this section, the schedule must include:

- (1) the nature and value of the gift; and
- (2) the identity of the person from whom, or on behalf of whom, directly or indirectly, the gift was received.

(d) *Section not an authorization.*

Neither this section nor any disclosure made under it authorizes any gift that is not otherwise allowed by law.

(Ord. 04-795.)

Defined terms:

<i>Business with City</i>	§2-5	<i>Lobbyist</i>	§2-20
<i>Child</i>	§2-6	<i>Must</i>	cf. §2-36
<i>Elected official</i>	§2-8	<i>Person</i>	§2-22
<i>Gift</i>	§2-17	<i>Public servant</i>	§2-23
<i>Includes...</i>	§2-18		

§ 7-24. Offices, employment, etc.(a) *In general.*

The statement must include a schedule of each office, directorship, salaried employment, and other similar interest not otherwise disclosed that was, at any time during the reporting period:

- (1) held by the public servant, by the public servant's spouse or child, or, if known to the public servant, by the public servant's parent or sibling,
- (2) in any business entity that was:
 - (i) a lobbyist,
 - (ii) regulated by the City, or
 - (iii) doing business with the City.

(b) *Required specifics.*

For each position or interest subject to this section, the schedule must include:

- (1) the name and address of the principal office of the business entity;
- (2) the title and nature of the position or interest;
- (3) the date when the position or interest began;
- (4) the name of each agency with which the entity is doing business, by which it is regulated, or in connection with which it is a lobbyist;
- (5) the nature of the entity's relationship to the City, which at a minimum must refer to the applicable criteria listed in subsection (a)(2) of this section; and
- (6) if the position or interest is held by someone other than the public servant, the identity of the individual who held the position or interest.

(Ord. 04-795.)

Defined terms:

<i>Agency</i>	§2-2	<i>Interest</i>	§2-19
<i>Business entity</i>	§2-4	<i>Lobbyist</i>	§2-20
<i>Business with City</i>	§2-5	<i>Must</i>	cf. §2-36
<i>Child</i>	§2-6	<i>Public servant</i>	§2-23
<i>Includes...</i>	§2-18		

§ 7-25. Indebtedness.*(a) In general.*

Except as specified in subsection (c) of this section, the statement must include a schedule of each debt that was, at any time during the reporting period, owed:

- (1) by the public servant or, if the public servant was involved in the transaction giving rise to the debt, by the public servant's spouse, parent, child, or sibling,
- (2) to any business entity that was:
 - (i) a lobbyist;
 - (ii) regulated by the City; or
 - (iii) doing business with the City.

(b) Required specifics.

For each debt subject to this section, the schedule must include:

- (1) the identity of the person to whom the debt was owed;
- (2) the date the debt was incurred;
- (3) the amount owed at the end of the reporting period;
- (4) the terms of payment;
- (5) the extent to which the principal was increased or decreased during the reporting period;
and
- (6) any security given.

(c) Exceptions.

This section does not apply to:

- (1) a retail credit account;
- (2) a retail installment sales account; or

(3) a utility account.
(*Ord. 04-795.*)

Defined terms:

<i>Business entity</i>	§2-4	<i>Lobbyist</i>	§2-20
<i>Business with City</i>	§2-5	<i>Must</i>	<i>cf.</i> §2-36
<i>Includes...</i>	§2-18	<i>Person</i>	§2-22
<i>Child</i>	§2-6	<i>Public servant</i>	§2-23

§ 7-26. Family employed by City.

(a) *In general.*

The statement must include a schedule of any spouse, parent, child, or sibling who was, at any time during the reporting period, employed by the City in any capacity.

(b) *Required specifics.*

For each family member subject to this section, the schedule must include:

(1) the individual's name and relationship to the public servant; and

(2) the agency and position in which the individual was employed.

(*Ord. 04-795.*)

Defined terms:

<i>Agency</i>	§2-2	<i>Must</i>	<i>cf.</i> §2-36
<i>Child</i>	§2-6	<i>Public servant</i>	§2-23
<i>Includes...</i>	§2-18		

§ 7-27. Sources of earned income.

(a) *In general.*

The statement must include a schedule that lists, for the public servant and for each of the public servant's spouse and children:

(1) each place of compensated employment at any time during the reporting period; and

(2) each business entity:

(i) of which the public servant, spouse, or child was a sole or partial owner; and

(ii) from which, at any time during the reporting period, he or she received earned income.

(b) *Required specifics.*

For each source of income subject to this section, the schedule must include:

(1) the name and address of the place of salaried employment or business entity; and

(2) for each family member, that individual's name and relationship to the public servant.
(Ord. 04-795.)

Defined terms:

<i>Business entity</i>	§2-4	<i>Must</i>	<i>cf.</i> §2-36
<i>Child</i>	§2-6	<i>Public servant</i>	§2-23
<i>Includes...</i>	§2-18		

§ 7-28. Additional information.

The statement may include a schedule of additional interests or information that the public servant chooses to disclose.
(Ord. 04-795.)

Defined terms:

<i>Includes...</i>	§2-18	<i>May</i>	<i>cf.</i> §2-36
<i>Interest</i>	§2-19	<i>Public servant</i>	§2-23

**SUBTITLE 8
LOBBYING**

PART I. DEFINITIONS

§ 8-1. Definitions.

(a) *In general.*

In this subtitle, the following terms have the meanings indicated.
(Ord. 04-795.)

(b) *Compensation.*

If lobbying is only part of a person's employment, "compensation" means a prorated amount of the person's total compensation, as defined in § 2-7 of this article, that is based on the time devoted by the person to lobbying compared to the time devoted to other employment duties.
(Ord. 04-795.)

Defined terms:

<i>Compensation</i>	§2-7	<i>Person</i>	§2-22
<i>Lobby</i>	§8-1(e)		

(c) *Executive action.*

"Executive action" means any official action or nonaction that:

(1) is taken by a public servant; and

(2) is not legislative action, as defined in this section.
(Ord. 04-795.)

Defined terms:

<i>Legislative action</i>	§8-1(d)	<i>Public servant</i>	§2-23
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(d) *Legislative action.*

(1) "Legislative action" means any official action or nonaction relating to:

(i) any bill, resolution, nomination, appointment, report, or other matter within the jurisdiction of the City Council; or

(ii) any bill or resolution presented to the Mayor for approval or veto.

(2) "Legislative action" includes:

(i) introduction;

(ii) sponsorship;

(iii) consideration and debate;

(iv) amendment;

(v) passage or defeat; and

(vi) approval or veto.

(Ord. 04-795.)

Defined terms:

Includes...

§2-18

(e) *Lobby.*

“Lobby” means to do any act that requires registration under this subtitle.

(Ord. 04-795.)

(f) *Reporting period.*

“Reporting period” means the period from January 1 of any year through December 31 of the same year.

(Ord. 04-795.)

§§ 8-2 to 8-5. {Reserved}

PART II. REGISTRATION REQUIRED**§ 8-6. In general.**

Except as otherwise specified in Part V {“Exemptions”} of this subtitle, a person who engages in any activity described in this Part II must register with the Ethics Board.
(*Ord. 04-795.*)

Defined terms:

<i>Ethics Board</i>	§2-10	<i>Person</i>	§2-22
<i>Must</i>	<i>cf. §2-36</i>		

§ 8-7. Legislative lobbying.

A person must register if, during a reporting period, the person:

- (1) for the purpose of influencing any legislative action, communicates with a public servant;
and
- (2) in furtherance of or in connection with all such communications for that or any other legislative action, and all activities relating to those communications:
 - (i) expends \$100 or more for gifts, including meals, beverages, or special events, to 1 or more public servants;
 - (ii) incurs any expenses of \$500 or more; or
 - (iii) earns \$2,500 or more in compensation.

(*Ord. 04-795.*)

Defined terms:

<i>Compensation</i>	§8-1	<i>Person</i>	§2-22
<i>Gift</i>	§2-17	<i>Public servant</i>	§2-23
<i>Legislative action</i>	§8-1	<i>Reporting period</i>	§8-1
<i>Must</i>	<i>cf. §2-36</i>		

§ 8-8. Executive lobbying.

A person must register if, during a reporting period, the person:

- (1) for the purpose of influencing any executive action, communicates with a public servant; and
- (2) in furtherance of or in connection with all such communications for that or any other executive action, and all activities relating to those communications:
 - (i) expends \$100 or more for gifts, including meals, beverages, or special events, to 1 or more public servants;
 - (ii) incurs any expenses of \$500 or more; or

(iii) earns \$2,500 or more in compensation.
(Ord. 04-795.)

Defined terms:

<i>Compensation</i>	§8-1	<i>Person</i>	§2-22
<i>Executive action</i>	§8-1	<i>Public servant</i>	§2-23
<i>Gift</i>	§2-17	<i>Reporting period</i>	§8-1
<i>Must</i>	cf. §2-36		

§ 8-9. “Grass roots” lobbying.

A person must register if, during a reporting period, the person:

- (1) for the purpose of influencing any legislative or executive action, solicits others to communicate with a public servant; and
- (2) in furtherance of or in connection with that solicitation, expends \$1,000 or more, including expenditures for salaries, contractual employees, postage, telecommunications services, electronic services, advertising, printing, or delivery services.

(Ord. 04-795.)

Defined terms:

<i>Executive action</i>	§8-1	<i>Person</i>	§2-22
<i>Includes...</i>	§2-18	<i>Public servant</i>	§2-23
<i>Legislative action</i>	§8-1	<i>Reporting period</i>	§8-1
<i>Must</i>	cf. §2-36		

§ 8-10. {Reserved}

PART III. PROCEDURE**§ 8-11. Employer authorization required.***(a) In general.*

Any person that engages a lobbyist for the purpose of lobbying must provide a written authorization for the lobbyist to act on the person's behalf.

(b) Contents.

The authorization must include:

- (1) the person's full legal name and business address;
- (2) the lobbyist's full legal name and business address;
- (3) the period during which the lobbyist is authorized to act; and
- (4) the legislative action, executive action, or other matter on which the lobbyist is authorized to act.

(c) Signature.

The authorization must be signed by:

- (1) the person on whose behalf the lobbyist is being authorized to act; or
- (2) if that person is a corporation, any authorized officer or agent of the corporation other than the lobbyist.

(Ord. 04-795.)

Defined terms:

<i>Executive action</i>	§8-1	<i>Lobbyist</i>	§2-20
<i>Include...</i>	§2-18	<i>Must</i>	<i>cf.</i> §2-36
<i>Legislative action</i>	§8-1	<i>Person</i>	§2-22
<i>Lobby</i>	§8-1		

§ 8-12. Time for registering.*(a) Initial registration.*

A lobbyist must register within 5 days after first engaging in any act that requires registration.

(b) Annual renewal.

A lobbyist must file a new registration on or before January 1 of each year if, on that date, the lobbyist is engaged in lobbying.

(Ord. 04-795.)

Defined terms:

<i>Lobby</i>	§8-1	<i>Must</i>	<i>cf.</i> §2-36
<i>Lobbyist</i>	§2-20		

§ 8-13. Registration scope, form, and contents.**(a) *Separate registration per principal.***

A lobbyist who engages in lobbying on behalf of more than 1 person must file a separate registration for each person.

(b) *Form.*

The registration must be filed on the form the Ethics Board provides.

(c) *Contents.*

The registration must include the following information, as applicable:

- (1) the lobbyist's full legal name and business address;
- (2) the full legal name and business address of each other person that will be lobbying on the lobbyist's behalf;
- (3) the full legal name, address, and nature of business of the person on whose behalf the lobbyist is acting;
- (4) a statement of whether, because of the lobbyist's registration and reporting, the person on whose behalf the lobbyist is acting will be exempt from registration under § 8-33 {“Employer of reporting lobbyist”} of this subtitle; and
- (5) the identification, by formal designation, if known, of the legislative action, executive action, or other matter on which the lobbyist is acting or expects to act or on which the lobbyist has engaged or expects to engage another person to act.

(d) *Written Authorization*

The registration must be accompanied by the written authorization required by § 8-11 {“Employer authorization required”} of this subtitle.

(*Ord. 04-795.*)

Defined terms:

<i>Ethics Board</i>	§2-10	<i>Lobby</i>	§8-1
<i>Executive action</i>	§8-1	<i>Lobbyist</i>	§2-20
<i>Include...</i>	§2-18	<i>Must</i>	<i>cf.</i> §2-36
<i>Legislative action</i>	§8-1	<i>Person</i>	§2-22

§ 8-14. Termination of registration.*(a) Automatic termination.*

Unless sooner terminated under subsection (b) of this section, each registration terminates on the earlier of:

- (1) the December 31 that first follows the registration's filing; or
- (2) the date specified in a written authorization filed under § 8-11 {"Employer authorization required"} of this subtitle.

(b) Termination by lobbyist.

A lobbyist may terminate the registration as of an earlier date than that specified in subsection (a) of this section if the lobbyist:

- (1) ceases all activity that requires registration;
- (2) after ceasing all activity, files a notice of termination with the Ethics Board; and
- (3) within 30 days after filing the notice, files all reports required by this subtitle.

(c) Required termination on appointment as public servant.

(1) Except as provided in paragraph (2) of this subsection, if a lobbyist is or becomes subject to regulation under this article as a public servant, the lobbyist must:

- (i) immediately cease all activity that requires registration; and
- (ii) terminate his or her registration in accordance with subsection (b) of this section within 30 days of becoming a public servant:
 - (A) file a notice of termination with the Ethics Board; and
 - (B) file all reports required by this subtitle.

(2) Paragraph (1) of this subsection does not apply to a lobbyist appointed to an advisory body of limited duration.

(Ord. 04-795.)

Defined terms:

Ethics Board
Lobbyist

§2-10
§2-20

May
Public servant

cf. §2-36
§2-23

§ 8-15. {Reserved}

PART IV. ACTIVITY REPORTS**§ 8-16. In general.****(a) Report required.**

A lobbyist must file with the Ethics Board an activity report for each reporting period for which the lobbyist is registered or required to be registered.

(b) When and for whom filed.

(1) For each reporting period, the activity report must be filed by the January 31 that first follows that reporting period.

(2) A separate report must be filed for each person on whose behalf the lobbyist acted.

(c) Form .

(1) Each Report must be:

(i) filed on the form the Ethics Board provides; and

(ii) signed under oath or affirmation, subject to the penalties of perjury.

(2) If the lobbyist is not an individual, then an authorized officer or agent of the lobbyist must sign the report.

(Ord. 04-795.)

Defined terms:

<i>Ethics Board</i>	§2-10	<i>Person</i>	§2-22
<i>Lobbyist</i>	§2-20	<i>Reporting period</i>	§8-1
<i>Must</i>	cf. §2-36		

§ 8-17. Contents – Registration information

Each report must include a complete, current statement of the information required by § 8-13(c) {“Registration: Contents”} of this subtitle.

(Ord. 04-795.)

Defined terms:

<i>Include...</i>	§2-18	<i>Must</i>	cf. §2-36
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§ 8-18. Contents – Compensation.**(a) In general.**

Except as provided in subsection (c) of this subsection, each report must include the total compensation paid to the lobbyist in connection with lobbying activities.

(b) *Prorated amounts.*

If the compensation being reported is a prorated amount, it must be so labeled.

(c) *Exceptions.*

This section does not apply to:

(1) expenses otherwise reported under other sections of this Part IV; or

(2) salaries, compensation, and reimbursed expenses for the lobbyist's staff.

(Ord. 04-795.)

Defined terms:

<i>Compensation</i>	§8-1	<i>Lobbyist</i>	§2-20
<i>Include...</i>	§2-18	<i>Must</i>	<i>cf.</i> §2-36
<i>Lobby</i>	§8-1		

§ 8-19. Contents – Expenses.(a) *Staff, research, and assistance.*

Except as reported under § 8-18 {“Contents — Compensation”} of this subtitle, each report must include the total amount expended in connection with the lobbying activities for:

(1) office expenses of the lobbyist; and

(2) professional and technical research and assistance.

(b) *Publications.*

Each report must include the total amount expended in connection with the lobbying activities for publications that expressly encourage others to communicate with 1 or more public servants.

(c) *Witnesses.*

Each report must include:

(1) the total amount expended in connection with lobbying activities for witnesses;

(2) the name of each witness; and

(3) the fees and expenses paid to each.

(d) *Food, beverages, gifts, etc.*

(1) Each report must include the total amount expended for each of the following, whether or not expended in connection with lobbying activities:

- (i) meals and beverages for a public servant or the spouse, parent, child, or sibling of a public servant;
 - (ii) special events, including parties, dinners, athletic events, entertainment, and other functions, to which a public servant or the spouse, parent, child, or sibling of a public servant is invited;
 - (iii) food, lodging, or scheduled entertainment of a public servant or the spouse, parent, child, or sibling of a public servant while attending a meeting;
 - (iv) tickets or free admission for a public servant or the spouse, parent, child, or sibling of a public servant to attend a professional or intercollegiate sporting event or a charitable, cultural, or political event; and
 - (v) other gifts to or for a public servant or the spouse, parent, child, or sibling of a public servant.
- (2) The lobbyist must report the name of any public servant or the spouse, parent, child, or sibling of a public servant who benefitted from:
- (i) expenses reported under paragraph (1)(i) of this subsection; or
 - (ii) expenses reported under paragraph (1)(iii) of this subsection, if more than \$200 was expended for the benefit of the public servant, spouse, parent, child, or sibling.
- (3) Expenses reported under paragraph (1)(ii), (iii), and (iv) of this subsection must be itemized by:
- (i) the date and location of each event or activity; and
 - (ii) the total expense of the lobbyist for the event or activity.

(e) *Other expenses.*

Each report must include the total amount expended for all other expenses incurred in connection with the lobbying activities.

(Ord. 04-795.)

Defined terms:

<i>Child</i>	§2-6	<i>Lobbyist</i>	§2-20
<i>Gift</i>	§2-17	<i>Must</i>	cf. §2-36
<i>Include...</i>	§2-18	<i>Public servant</i>	§2-23
<i>Lobby</i>	§8-1		

§ 8-20. Contents – Gift recipients.

(a) *In general.*

Except as provided in subsection (c) of this section, each report must include the name of each public servant or the spouse, parent, child, or sibling of a public servant to or for whom the

lobbyist or any person on the lobbyist's behalf has given, during the reporting period, 1 or more gifts with a cumulative value of \$150 or more, whether or not given in connection with lobbying activities.

(b) *Itemization of certain gifts.*

For reports under subsection (a) of this section, each gift made after the \$150 cumulative value is met must be itemized by:

- (1) date;
- (2) beneficiary;
- (3) nature of gift; and
- (4) value of gift.

(c) *Exception.*

This section does not apply to gifts reported under § 8-19(d)(1)(ii) or (iii) of this subtitle.
(Ord. 04-795.)

Defined terms:

<i>Child</i>	§2-6	<i>Must</i>	<i>cf.</i> §2-36
<i>Gift</i>	§2-17	<i>Person</i>	§2-22
<i>Include...</i>	§2-18	<i>Public servant</i>	§2-23
<i>Lobby</i>	§8-1	<i>Reporting period</i>	§8-1
<i>Lobbyist</i>	§2-20		

§ 8-21. Contents – Business transactions.

(a) *Scope of section.*

(1) This section applies to an individual who:

(i) is a lobbyist under § 8-7 {"Legislative lobbying"} or § 8-8 {"Executive lobbying"} of this subtitle; and

(ii) engages in a business transaction with:

(A) any of the following officials:

- 1. the Mayor;
- 2. the City Comptroller;
- 3. the President of the City Council;
- 4. a member of the City Council;

5. the head of any department; or
6. the head of any bureau or division within a department; or

(B) any of the following related persons:

1. the spouse, parent, child, or sibling of an official listed in subitem (A);
2. a business entity in which an official listed in subitem (A) is a proprietor or partner; or
3. a business entity in which an official listed in subitem (A) has an ownership interest of 10% or more.

(2) This section does not apply to:

- (i) an individual who is a lobbyist solely under § 8-9 {“‘Grass roots’ lobbying”} of this subtitle; or
- (ii) the person who employs a lobbyist.

(b) *Disclosure required.*

Each report of a lobbyist subject to this section must disclose any business transaction or series of business transactions that:

- (1) was with a person listed in subsection (a)(1)(ii) of this section;
- (2) occurred during the reporting period; and
- (3) involved consideration of:
 - (i) \$1,000 or more for a single transaction; or
 - (ii) \$5,000 or more for a series of transactions.

(c) *Contents.*

The disclosure required by this section must include:

- (1) the date or dates of the transaction or series of transactions;
- (2) the name and title of the official who was involved in the transaction or series of transactions;
- (3) the nature of the transaction or series of transactions; and
- (3) the nature and value of anything exchanged in the transaction or series of transactions.

(Ord. 04-795.)

Defined terms:

<i>Business entity</i>	§2-4	<i>Must</i>	<i>cf.</i> §2-36
<i>Include...</i>	§2-18	<i>Official</i>	§2-21
<i>Interest</i>	§2-19	<i>Person</i>	§2-22
<i>Lobbyist</i>	§2-20	<i>Reporting period</i>	§8-1

§§ 8-22 to 8-25. {Reserved}**§ 8-26. Supplemental reports.**

The Ethics Board may require a lobbyist to file any additional or supplemental reports that the Board considers necessary.
(*Ord. 04-795.*)

Defined terms:

<i>Ethics Board</i>	§2-10	<i>May</i>	<i>cf.</i> §2-36
<i>Lobbyist</i>	§2-20		

§§ 8-27 to 8-30. {Reserved}

PART V. EXEMPTIONS**§ 8-31. General exemptions.**

The following activities are exempt from regulation under this subtitle:

- (1) appearances as part of the official duties of an elected or appointed official or employee of the City, the State, the United States, any other state, or a political subdivision of any of them, to the extent that the appearance is not on behalf of any other person;
- (2) actions of a member of the news media, to the extent that the actions are in the ordinary course of gathering and disseminating news or making editorial comment to the general public;
- (3) representation of a bona fide religious organization, to the extent that the representation is for the purpose of protecting the right of its members to practice the doctrine of the organization; or
- (4) appearances as part of the official duties of an officer, director, member, or employee of an association engaged exclusively in representing the State, counties or municipal corporations, to the extent that the appearance is not in behalf of any other person.

(Ord. 04-795.)

Defined terms:

Elected official
Employee

§2-8
§2-9

Person

§2-22

§ 8-32. Qualified exemptions.***(a) Appearances on request.***

The following activities are exempt from regulation under this subtitle if the individual engages in no other acts during the reporting period that require registration:

- (1) appearances before the City Council, before a committee or subcommittee of the City Council, or before a City agency at the specific request of the body involved; or
- (2) appearances before the City Council, before a committee or subcommittee of the City Council, or before a City agency at the specific request of a lobbyist, if the witness notifies the body that he or she is testifying at the request of the lobbyist.

(b) Student activities.

An elementary, secondary, or postsecondary school student or student organization that communicates as part of a course or student activity is not subject to the registration requirements of this subtitle based on the expense threshold of § 8-7 {"Legislative lobbying"} or § 8-8 {"Executive lobbying"} of this subtitle.

(Ord. 04-795.)

Defined terms:

<i>Agency</i>	§2-2	<i>Reporting period</i>	§8-1
<i>Lobbyist</i>	§2-20		

§ 8-33. Employer of reporting lobbyist.*(a) In general.*

A person that would otherwise be required to register and report under this subtitle need not do so if that person:

- (1) employs a lobbyist; and
- (2) reasonably believes that the lobbyist will:
 - (i) register as required by this subtitle; and
 - (ii) timely report all expenses incurred in connection with that person's lobbying activities.

(b) Authorization still required.

A person exempt under subsection (a) of this section must still complete the authorization required by § 8-11 {"Employer authorization required"} of this subtitle.

(c) Exemption terminates on failure to report.

If the lobbyist fails to report the information when required by this subtitle, the person previously exempt under this subsection immediately becomes subject to the registration and reporting requirements of this subtitle.

(Ord. 04-795.)

Defined terms:

<i>Lobby</i>	§8-1	<i>Must</i>	<i>cf. §2-36</i>
<i>Lobbyist</i>	§2-20	<i>Person</i>	§2-22

§§ 8-34 to 8-35. {Reserved}

PART VI. PROHIBITED CONDUCT**§ 8-36. Contingent compensation.****(a) *Legislative lobbying.***

A lobbyist may not lobby on behalf of any person for compensation that is dependent in any way on:

- (1) the passage, enactment, or defeat of any legislation; or
- (2) any other contingency related to legislative action.

(b) *Executive lobbying.*

A lobbyist may not lobby on behalf of any person for compensation that is dependent in any way on:

- (1) the outcome of any executive action relating to the solicitation or securing of a procurement contract; or
- (2) any other contingency related to executive action.

(Ord. 04-795.)

Defined terms:

<i>Compensation</i>	§2-7	<i>Lobbyist</i>	§2-20
<i>Executive action</i>	§8-1	<i>May not</i>	cf. §2-36
<i>Legislative action</i>	§8-1	<i>Person</i>	§2-22
<i>Lobby</i>	§8-1		

§ 8-37. Gifts.

A lobbyist may not make a gift to a public servant, directly or indirectly:

- (1) if the lobbyist knows or has reason to know that the public servant's acceptance of the gift would violate Subtitle 6 {"Conflicts of Interest"}, Part IV {"Gifts"} of this article; or
- (2) if the gift is made as a result of a solicitation or facilitation that the lobbyist knows or has reason to know is prohibited by § 6-26(a)(2)(iv).

(Ord. 04-795.)

Defined terms:

<i>Gift</i>	§2-17	<i>May not</i>	cf. §2-36
<i>Lobbyist</i>	§2-20	<i>Public servant</i>	§2-23

§ 8-38. Loans.

Unless in the ordinary course of the lobbyist's business as or for a banking institution, banking association, mortgage broker or lender, sales finance company, or other similarly regulated financial or lending institution, a lobbyist may not make or facilitate the making of any loan of money, goods, or services to a public servant.

(Ord. 04-795.)

Defined terms:

<i>Lobbyist</i>	§2-20	<i>Public servant</i>	§2-23
<i>May not</i>	<i>cf. §2-36</i>		

§ 8-39. Fund raisers.

A lobbyist who is an individual may not engage in any charitable fund-raising activity at the request of a public servant, including soliciting a charitable contribution, transmitting the solicitation of a charitable contribution, or transmitting a charitable contribution.

(Ord. 04-795.)

Defined terms:

<i>Lobbyist</i>	§2-20	<i>Public servant</i>	§2-23
<i>May not</i>	<i>cf. §2-36</i>		

§ 8-40. "Bell ringing".

A lobbyist may not initiate or encourage the introduction of legislation for the purpose of opposing that legislation.

(Ord. 04-795.)

Defined terms:

<i>Lobbyist</i>	§2-20	<i>May not</i>	<i>cf. §2-36</i>
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§ 8-41. Requesting endorsement.

A lobbyist may not ask a public servant to recommend to a potential client the lobbyist's services or the services of any other lobbyist.

(Ord. 04-795.)

Defined terms:

<i>Lobbyist</i>	§2-20	<i>Public servant</i>	§2-23
<i>May not</i>	<i>cf. §2-36</i>		

§ 8-42. Veracity and candor.

A lobbyist may not:

- (1) while engaging in lobbying activities, knowingly make to a public servant a statement of material fact that relates to the lobbying activity and that the lobbyist knows to be false; or

(2) while engaging in lobbying activities on behalf of a person, knowingly conceal from a public servant the identity of that person.
(Ord. 04-795.)

Defined terms:

<i>Lobby</i>	§8-1	<i>Person</i>	§2-22
<i>Lobbyist</i>	§2-20	<i>Public servant</i>	§2-23
<i>May not</i>	<i>cf.</i> §2-36		

**SUBTITLE 9
ENFORCEMENT**

PART I. INSPECTION OF RECORDS

§ 9-1. Retention required.

Any person required to file a report, statement, or other item under this article must obtain and, for the period specified in § 9-2 {“Retention period”} of this subtitle, retain all accounts, bills, receipts, books, papers, documents, and other records necessary to complete and substantiate the report, statement, or other item.

(Ord. 04-795.)

Defined terms:

Must

cf. §2-36

Person

§2-22

§ 9-2. Retention period.

The person must retain the records required by § 9-1 {“Retention required”} of this subtitle for at least 3 years from:

(1) the date on which the report, statement, or other item was filed; or

(2) if the report, statement, or other item was not filed, the date by which it was required to be filed.

(Ord. 04-795.)

Defined terms:

Must

cf. §2-36

Person

§2-22

§ 9-3. Inspection of records.

On request and reasonable notice, the records required by § 9-1 {“Retention required”} of this subtitle must be made available to the Ethics Board or the City Solicitor for inspection.

(Ord. 04-795.)

Defined terms:

Ethics Board

§2-10

Must

cf. §2-36

PART II. ADMINISTRATIVE SANCTIONS**§ 9-4. In general.**

If, after considering a complaint brought under Subtitle 5 {"Complaints"} of this article, the Ethics Board determines that the respondent has violated any provision of this article, the Board may take any 1 or more of the following actions:

- (1) issue an order directing the respondent to cease and desist from the violation;
- (2) issue a reprimand;
- (3) refer the matter to the appropriate official or other authority for other disciplinary action authorized by law, including censure or removal; or
- (4) seek judicial relief or other enforcement action under this subtitle.

(Ord. 04-795.)

Defined terms:

<i>Ethics Board</i>	§2-10	<i>May</i>	<i>cf. §2-36</i>
<i>Includes...</i>	§2-18		

§ 9-5. Lobbying violations.

If, after considering a complaint brought under Subtitle 5 {"Complaints"} of this article, the Ethics Board determines that the respondent has violated any provision of Subtitle 8 {"Lobbying"} of this article, the Board may take any 1 or more of the following actions:

- (1) require a respondent who is a lobbyist to file any additional reports or information that reasonably relates to the information required by Subtitle 8;
- (2) impose a civil penalty of not more than \$1,000 for each violation; or
- (3) take any other action authorized by § 9-4 {"In general"} of this subtitle.

(Ord. 04-795.)

Defined terms:

<i>Ethics Board</i>	§2-10	<i>May</i>	<i>cf. §2-36</i>
<i>Lobbyist</i>	§2-20		

PART III. JUDICIAL RELIEF**§ 9-6. Petition to court.****(a) *In general.***

The Ethics Board may file a petition in Circuit Court, on behalf of the Mayor and City Council, to compel compliance with or seek other relief under this article.

(b) *Remedies cumulative.*

The remedies authorized in this article are cumulative, and the court may grant all or part of the relief sought.

(Ord. 04-795.)

Defined terms:

Ethics Board

§2-10 *May*

cf. §2-36

§ 9-7. Relief generally.

In an action brought under § 9-6 {“Petition to court”} of this subtitle, the court may compel compliance with this article:

(1) by issuing an order to cease and desist from a violation; or

(2) by granting other injunctive relief.

(Ord. 04-795.)

Defined terms:

May

cf. §2-36

§ 9-8. Civil penalty.**(a) *Penalty authorized.***

In an action brought under § 9-6 {“Petition to court”} of this subtitle, the court may impose a civil penalty of up to \$1,000 for any violation of this article.

(b) *Each day a separate offense.*

For this purpose, each day on which a violation occurs is a separate offense.

(Ord. 04-795.)

Defined terms:

May

cf. §2-36

§ 9-9. Voiding official act.**(a) *In general.***

Except as provided in subsection (b) of this section, in an action brought under § 9-6 {“Petition to court”} of this subtitle, the court may void an official act of a public servant if:

- (1) the public servant had a conflict of interest that is prohibited by this article;
- (2) the act arose from or concerned the subject matter of the conflict;
- (3) the proceeding was brought within 90 days after the act occurred; and
- (4) the court determines that the conflict had an impact on the act.

(b) *Exceptions.*

- (1) The court may not void any contract previously approved by the Board of Estimates without the express consent of the Board of Estimates.

- (2) The court may not void any official act that:

- (i) appropriates public funds;

- (ii) levies a tax; or

- (iii) provides for the issuance of a bond, note, or other evidence of public obligation.

(Ord. 04-795.)

Defined terms:

May
May not

cf. §2-36
cf. §2-36

Public servant

§2-23

§ 9-10. {Reserved}

PART IV. CONTRACTS**§ 9-11. Action by Board of Estimates.****(a) *In general.***

Except as provided in § 9-12 {"Exceptions"} of this subtitle, the Board of Estimates may void a contract with the City if:

- (1) a public servant had a conflict of interest that is prohibited by this article;
- (2) the contract arose from or concerned the subject matter of the conflict; and
- (3) the Board determines that the conflict had an impact on the contract.

(b) *Scope.*

In taking action under this section, the Board of Estimates may void a contract:

- (1) in whole or in part; and
- (2) on the terms and conditions that the Board sets.

(Ord. 04-795.)

Defined terms:

May

cf. §2-36

Public servant

§2-23

§ 9-12. Exceptions.

The Board of Estimates may not void any contract under this subtitle that provides for the issuance of a bond, note, or other evidence of public obligation.

(Ord. 04-795.)

Defined terms:

May not

cf. §2-36

§§ 9-13 to 9-15. {Reserved}

PART V. DISCIPLINARY ACTION**§ 9-16. Persons other than elected officials.**

In addition to any other penalty imposed under this article, if the Ethics Board finds that a public servant, other than an elected official, has violated a provision of this article:

- (1) the public servant may be removed or subjected to other disciplinary action by the appropriate authority; and
- (2) if the public servant is subject to a Board or court order that directs compliance, the public servant may not be paid any salary or other compensation pending full compliance with the order.

(Ord. 04-795.)

Defined terms:

<i>Compensation</i>	§2-7	<i>May</i>	<i>cf.</i> §2-36
<i>Elected official</i>	§2-8	<i>Public servant</i>	§2-23
<i>Ethics Board</i>	§2-10		

§ 9-17. Elected officials.

If the Ethics Board finds that an elected official has violated a provision of this article, the Board must report its findings to the Mayor and the City Council for appropriate action.

(Ord. 04-795.)

Defined terms:

<i>Elected official</i>	§2-8	<i>Must</i>	<i>cf.</i> §2-36
<i>Ethics Board</i>	§2-10		

§§ 9-18 to 9-20. {Reserved}

PART VI. CRIMINAL PENALTIES**§ 9-21. Referral for prosecution.***(a) In general.*

If, while considering a complaint, the Ethics Board finds that there are reasonable grounds to believe that the respondent has committed a criminal offense, the Board must promptly refer the matter to the appropriate prosecuting authority.

(b) Evidence.

The Ethics Board must make available to the prosecuting authority all pertinent evidence under its control.

(Ord. 04-795.)

Defined terms:

Ethics Board

§2-10

Must

cf. §2-36

§ 9-22. Violations of lobbying subtitle.*(a) In general.*

Any person who knowingly violates a provision of Subtitle 8 {"Lobbying"} of this article is guilty of a misdemeanor and, on conviction, is subject to a fine of not more than \$1,000 or imprisonment of not more than 12 months or both.

(b) Officers and partners.

If the person is a business or other entity, each officer or partner of the entity who knowingly authorizes or participates in the violation is guilty of a misdemeanor and, on conviction, is subject to the penalty specified in subsection (a) of this section.

(Ord. 04-795.)

Defined terms:

Business entity

§2-4

Person

§2-22

ETHICS

UNCODIFIED DIRECTIVES

Ordinance 04-795, which enacted this article, contained these uncodified provisions:

Section 3 {Catchlines and Comments} –

[T]he catchlines preceding and the comments following the various sections and subsections in this Ordinance are for guidance only. They are not law and may not be considered to have been enacted as a part of this Ordinance.

Section 5 {Initial Training} –

[E]ach official in office on the effective date of this Ordinance must complete the training course required by § 3-20 and file the affidavit required by § 3-21 within 6 months of the effective date of this Ordinance.

Section 6 {Codes of Conduct} –

- (a) The Codes of Conduct adopted by the Mayor (Executive Order dated June 13, 1995), the City Council (Resolution 95-1279), and the Comptroller (July 14, 1995), having been specifically drafted to supplement the now-repealed provisions of former City Code Article 8, are repealed.
- (b) The Mayor, the City Council, the Comptroller, and all other agencies are encouraged to consult with the Ethics Board and develop, in accord with City Code Article 8, § 2-33(c), as enacted by this Ordinance, rules or regulations to supplement the statutory provisions governing conflicts of interest.

Section 7 {Initial Deadlines} –

[T]o avoid any undue burden that might result from the changes made by this Ordinance in reporting periods and filing deadlines for financial disclosure statements and lobbyist activity reports, the Board of Ethics may advance or delay, as appropriate, the filing deadline for the first statement or report to be filed after the effective date of this Ordinance and may shorten or lengthen, as appropriate, the reporting period for that first statement or report.

Section 9 {Effective Date} –

[T]his Ordinance takes effect on the later of (i) January 1, 2005, and (ii) the date on which this Ordinance is approved by the State Ethics Commission.

The State Ethics Commission approved the Ordinance on June 22, 2004. Accordingly, the law is effective January 1, 2005.